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TURGOT AND THE SIX EDICTS

BY

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PREFACE.

THE bibliography appended to this work is intended to be a complete compilation of all the works of any consequence which relate directly to Turgot. There are some important omissions even in the comprehensive and classified bibliography compiled by Dr. Lipperts and published in the *Hand- und Lehrbuch der Staatswissenschaften*, I. Abteilung: Volkswirtschaftslehre, 2 Band., 1 Teil., 1902. The bibliographies appended to the relevant chapters in the *Histoire Générale*, while reasonably complete with regard to French writers, also omit some of the important works in German and English.

The list of references quoted in this monograph is a short one, for it has been my aim to make the fewest references consistent with the criticisms made and positions taken.

In issuing this monograph, my chief regret is my inability to impart to the wide circle of English readers the pleasure experienced in translating and interpreting the Six Edicts of Turgot which have not hitherto been translated into English. My study of history and teaching of the subject were partial and imperfect for lack of earlier knowledge of these documents which have so great significance in the events that led up to the French Revolution. Not having learned the French language at this earlier period, any comprehensive knowledge of Turgot's works was naturally out of the question. Believing heartily that history is the true *Hilfswissenschaft* to clearer knowledge and interpretation of ourselves and our times, I hope before long to contribute to historic insight and economic knowledge by translating all the important writings of this master mind in economics and in statesmanship. A wider critical and comparative estimate of his doctrines and his work than is possible here will then be in order.

EAST ORANGE, N. J., *June*, 1903. ROBERT P. SHEPHERD.

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PART I

BIOGRAPHICAL AND HISTORICAL

CHAPTER I

BIOGRAPHICAL NOTICE

"ANNE-ROBERT-JACQUES TURGOT, Baron de l'Aulne, Minister of State, Honorary Member of the Academy of Inscriptions and Belles-Lettres, and the youngest of three sons of Michel-Étienne Turgot, *prévôt* of merchants under Louis XV., was born in Paris, May 10, 1727. His family, which came into Normandy at the time of the Crusades, is regarded as a branch of the family of the same name in Scotland. And the origin of the latter is obscured in the night of time, if his biographers are to be believed, for they assign its ancestry to Togut, a Danish prince who lived 1000 years before the Christian era, and they also include in the number of its members St. Turgot, abbé of the monastery of Dunelm, one of the most distinguished men of his age, and Prime Minister to the Scottish King, Malcolm III."[1]

Timid, shrinking and bashful in his childhood, he was regarded by his mother as an idiotic creature, until later development caused her to revise her judgment. According to the custom of the day, Turgot's father destined him for the church, and in preparation for such calling he was sent for elementary instruction to the College of Louis le Grand, later to the Academy of Plessis, and for his professional studies to the Seminary of St. Sulpice. Leaving this institution with the degree of Bachelor of Theology, he was admitted to the Sorbonne for residence and study preliminary to securing his license for holy orders. He had already determined not to pursue the calling of an ecclesiastic, and while at the Sorbonne the composition of an

[1] Daire, *Œuvres de Turgot*, vol. i, p. 6.

essay on The Existence of God showed him to be at such variance with orthodox standards that he voluntarily withdrew from communion and ceased attending mass. He was religious after the order of Socrates, too religious to conform to practices which mocked his reason. These considerations, together with the wider knowledge of ecclesiastical conditions, caused him to turn to the magistracy with the determination to find therein the means of his greatest usefulness to his fellows and his nation.

The death of his father summoned him from the Sorbonne to self-support and self-reliance. He sought and obtained a subordinate position in the Court of parlement, shortly found a better place in it, and on the exile of the body and the institution of the Maupeou parlement, he was invited to a seat therein. Having no sympathy with the contentious spirit of the banished magistrates, he promptly accepted the place, sought and obtained appointment as a Master of Requests, and discharged the duties of that judicial position for about seven years. He had sought that place for two reasons: it gave him the best possible opportunity to become familiar with current legal principles and practice, and from that body of Magistrates the Intendants were customarily chosen for the different provinces. It was to this end that Turgot had worked; his mind was filled with theories of administration and reform, and he was naturally eager to put his theories into actual practice; he had pronounced the judgment in an address at the Sorbonne that "well-timed reform alone averts revolution," and his quick human sympathy, his warm patriotism, his deep conviction of the final sovereignty of "Justice, Order, Progress," and his confidence in himself, urged him to forego his inclinations to scholarship and research for the more irksome toil of practical administration.

In 1761 he was made Intendant of the province of Limousin, known later and popularly as the Généralité of Limoges. This province lay next south from the Généralité of Paris, part

of its territory, in fact, lying in the latter Généralité and subject to the parlement of Paris. No province of France was better fitted than this one for the experiment Turgot had in mind; within it, on a small scale, were found all the difficulties common to the national administration, and many of the difficulties were found in Limousin in their most exaggerated form. Its inhabitants had suffered all that could be suffered from the evils of the times, both natural and administrative. If Turgot could demonstrate here the reasonableness and practicability of his ideas of reform, the example might, at least, spread from this central location to all parts of the kingdom. And Turgot's ambition led him no farther than this, but it fixed him here. When the administration heeded the appeals of Turgot's mother and offered him a like ministry in an easier place, he politely declined it. In Limousin would he work out, as best he might, his ideals for all the nation, and the allurements of personal ease and comfort were impotent beside the allurement of demonstrating, at whatever cost to himself, the possibility of his fatherland redeemed and restored to humane principles of government, rationally administered and perpetuated.

For thirteen years Turgot held this place. As Intendant he was answerable directly to the Royal Council and immediately to the Minister of Finance, to whom he reported and whose orders he executed. As the virtual governor of the province, he enjoyed wide opportunity for individual initiative and direction, the chief requirement of the Minister of Finance being that he provide his apportionment of the tax budget; ways and means were of minor importance to the crown. Indefatigable in his activities, the only recreation and relaxation he permitted himself was the companionship of his friends among the *économistes* and *philosophes* on the occasion of his annual visits to the capital. These kept him in touch with the currents of thoughts then rife, and afforded him the opportunity of sharing with his friends his triumphs of administration and verified theories of economic reform.

On the death of the king and the accession of Louis XVI, Turgot was called to the Council of State as Minister of Marine; after but a month in this service, the king summoned him to the most important work, at that time particularly, in all France, the work of reforming the finances of the kingdom from the chaos into which they had fallen under the administration of M. l' abbé de Terray, and Turgot became Controller-General of Finance. Before he consented to accept the position, Turgot requested and was granted a private audience with the king, and not all French history, if any other, records a more important and momentous interview than this.

On the one hand was the monarch, inheritor of the absolute authority won for the crown by his predecessors, a youth who desired, above all things else, to be as a father to all his people, and who was willing to exercise his authority to the utmost to this end; on the other was the scholarly philosopher, trained and tried by more than twenty years of public service, a man of infinite resources, who had put his theories of needed reform to the test of actual practice and successful issue, an embodiment of philanthropic ability; this authority and this ability were by this interview joined by solemn compact into a beneficent power having but one object—the regeneration of the nation. The interview was a protracted one; the man laid before his sovereign, with skilfully worded delineation, the awful condition of the internal affairs of the kingdom, mapped out the plans which alone might avert disaster and revolution, pledged himself to know no person or condition in holding faithfully to the plans agreed upon, and in return was given the most solemn pledge of personal friendship and official support by the youthful king, who trusted himself implicitly to the wisdom of his minister. The letter of Turgot to the king, written immediately after their conference, is one of the most important and unique documents in governmental history.

France passed in judgment before that compact. All orders and all classes looked upon the power it constituted and con-

demned it; historians say that the recall of the parlement from its long exile was the first fatal mistake of Louis XVI. It was no mistake, it was inevitable. Not otherwise could *parlement* be measured. It, with all the forces of France, must look upon Benevolence in rule, and approve or condemn it, and so pass judgment on itself.

Twenty months sufficed for judgment. The Six Edicts were the most conspicuous and general instrument of judgment. When all France had judged itself, the king too, last of all, might turn aside from the instrument of reform and put in the time whatever way he would till the decapitation. No power in the universe could avert the Revolution.

Turgot was retired from public life on May 12, 1776. In his youth he had said, "Our family die of gout at about fifty." He had experienced the pangs already of this hereditary enemy. On March 18, 1781, he died.

This, in brief sketch, is the outline of one of the most successful lives in human annals. In early years, the life course was deliberately chosen, against paternal solicitude and much seductive persuasion by his friends; it was prosecuted despite the blandishments of literati and savants, and his own deep-seated inclination to the pursuits of scholarship; it was persisted in for others' sake, though demanding tremendous labor and sacrifice from the man himself; it was honestly cherished, hand-in-hand with a boy king, in the face of an angry and scornful nation, and carried to fulfilment. If such a life be not a success, and most of his biographers agree that it was a failure, then, surely, some definitions need to be revised. Even though his work was undone before his eyes, and bitter tears wrung from other eyes than his alone, that was not his failure; it is a failure of which France has bitterly repented. He truly came, as Carlyle says of him, into the Council of the King with a whole peaceful French revolution in his head. He offered it to France, he urged it with all the arts of reason and humanity, he counted not himself, pain-racked and ostracised, too great a

price to pay for the salvation of his land. He was true to himself and to the mission he conceived to be entrusted to him till he was thrust out to solitude and death. What more successful thing than this can any mortal do?

CHAPTER II

THE PLACE OF TURGOT IN THE HISTORY OF ECONOMICS

Outside academic circles, Turgot is not widely known. Embodying as he did many of the best characteristics of racial manhood and trustworthiness, he transcends national boundaries and would fill, with wholesome results, a far larger place in the public mind than has been accorded to him in the past.

To the economist, interest in Turgot centers in him as a factor in the economic interpretation of history, and in his contributions to the literature and facts of economic science. So much of his work had to do with permanent principles rather than with changeful social forms that the interpretation of his doctrines becomes most timely and helpful to the practical economist of the present; his economic theories are of like interest to the economic philosopher; while his relation to his contemporaries and to subsequent history and literature is of fundamental value both to the historian of economics and to the student of economic history.

Hitherto the interpretation of Turgot's economic doctrines has been based largely on his *Réflexions sur la Formation et la Distribution des Richesses*, the first known attempt to separate for study these related economic phenomena. The controversy over Turgot and Adam Smith was waged chiefly over Smith's knowledge and use of the *Réflexions;* it alone was counted worthy of translation in Lord Overstone's list of rare and valuable economic treatises, and in Ashley's edition of economic classics; Daire places it first in his arrangement of Turgot's works, and it is unquestionably the best known and most discussed of all Turgot's writings; it shares with his

Éloge de Gournay the reputation of his best contributions to the literature of economics.

It is quite probable that no one would be more surprised than the author at the conspicuous place accorded to this bit of writing. In a letter to Dr. Tucker, written in September, 1770, Turgot says: "That bit was written for the instruction of two Chinese who are in our country and to make them comprehend more clearly some questions which I addressed to them concerning the economic condition and constitution of their empire."[1] As an economic primer for foreigners whose minds were of necessity almost a blank concerning the topics of most absorbing interest in their strange surroundings, the *Réflexions* would serve an admirable purpose. And there is every reason to see why Turgot, who was almost continuously absent from Paris and busy with his work as Intendent in Limousin, would attempt to make these foreign youths acquainted with the doctrines of the Physiocrats, by whom they were surrounded in Paris, and to withold from the instruction, in large measure, the points of radical difference between himself and the Physiocrats, and which could not well be elaborated within reasonable space, and especially for those whose minds were largely a blank on the economic topics so rife in Paris.

The primary purpose of the *Réflexions* was to equip the Chinese to impart information intelligibly, rather than to impart economic information to them. In a letter to Caillard, written in May, 1774, Turgot explains to his friend that in the proposed translation of the *Réflexions* into German, they ought properly to be introduced by a preface in which it should be stated that "the pamphlet was not intended for the public but to serve as a preamble to questions concerning the economic constitution of China, and addressed to two Chinese whom it was desired to put in condition to reply to the questions; and that that letter having been confided by the author to M. Du

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 802.

Pont, editor of the *Éphémérides du Citoyen*, he inserted it in his journal."[1] In his letters to Du Pont, in 1770, published by Schelle[2] and translated by Ashley,[3] Turgot roundly scores Du Pont for presuming to edit the *Réflexions* before publishing them separately, and for making them read according to Du Pont's ideas of what they ought to say rather than what was actually said; he repudiates some of the phrases and ideas added to the *Réflexions* by Du Pont, and insists that in the face of all their imperfections it is incumbent on a writer to be himself and not another.

Now if historical criticism in literature means anything, these facts ought to be given place in the interpretation of the *Réflexions;* they serve, partly at least, to account for the disparity in composition between the *Réflexions* and Turgot's writings for maturer minds, and especially for the lack of the clarity characteristic of all his public documents. Turgot is by no means the only writer to obscure his meaning when attempting to be unusually simple and elementary. In another letter to Caillard, dated March 16, 1770,[4] Turgot asks that his manuscript of *Richesses* be sent to him, for, said he, "There is on page 96 of the December issue of the *Éphémérides* a phrase which I find to be obscure and unintelligible. I suspect that two or three lines are omitted, and I am unable to supply them." It would be a most valuable textual find if this manuscript could be produced.

Early in his career he turned his attention to economic investigation, and his essay written to a fellow-student as an outgrowth of a conversation, on paper money, is of more than passing interest. At some time, probably during the period of his labors as a magistrate, he wrote a carefully reasoned essay on Value and Money. This essay, of which but a frag-

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 832.

[2] Schelle, *Du Pont de Nemours et l' École Physiocratique*, pp. 26, 128.

[3] Ashley, *Economic Classics, Turgot*, p. viii.

[4] Daire, *Œuvres de Turgot*, vol. ii, p. 811.

ment is preserved, demonstrates both his logical methods of reasoning and his conclusions at that time concerning that fundamental phase of economics. The Six Edicts, including the preambles and the defense of them against the criticisms of Keeper of the Seals, M. Hue Miromènil, are his last contributions of importance to the literature of the science. In the twenty-seven years intervening between his first attempts at economic discussion and his last, he found time to compose many comprehensive treatises on different subjects, but those on economic topics are by far the most important and of most permanent interest.

In the interpretation of his doctrines and theories, it is especially interesting to note how admirably they illustrate the cycle in which human events and conditions are wont to move. With all the changes in economic relations, new systems and new industrial principles, it is not without surprise that one finds many of Turgot's arguments timely and pertinent to present conditions. One paragraph in the report of the Anthracite Arbitration Commission,[1] reads almost like a quotation from Turgot's argument on the suppression of the *jurandes*, and it is not altogether without significance that conditions which demanded the iteration of principles then demand reiteration of the same laws now.

Another fact must be borne in mind in the interpretation of Turgot's economic doctrines, and that fact is of such a nature that it renders that interpretation vastly more difficult than would be the case if Turgot had been a mere publicist, elab-

[1] *Anthracite Arbitration Commission Report.* The paragraph reads: "The right and liberty to pursue a lawful calling and to lead a peaceable life, free from all molestation or attack, concern the comfort and happiness of all men, and the denial of them means the destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers. This all seems too plain for argument. . . . Our language is the language of a free people, and fails to furnish any form of speech by which the right of a citizen to work when he pleases, for whom he pleases, and on what terms he pleases, can be successfully denied." March, 1903.

orating his doctrines with scholarly exactness, and leaving a printed record of his thought. He did this, but he did more. In a very unique and real sense, his whole life was devoted to the elucidation of economic principles. In his mind, clearly enough, political and social evils, and many religious ones too, were directly traceable to false economic doctrines embodied in the laws or administrative execution of them. To him, reason was the fundamental fact of economic interpretation and application. His appeal by voice and pen, and public effort was to reason. He thought he discerned in economic privileges the insulation on either side of which the potentials were accumulating so rapidly and powerfully that, if contact were not soon established and the interplay of forces directed along safe lines, an explosion must come which might involve the obliteration of the insulation and much besides. Precisely for the purpose of penetrating this dead wall of economic privileges, the Six Edicts were promulgated. The well-studied purposes and well-tried principles of which they were the concrete embodiments will be discussed later; it is sufficient for the present to note that Turgot gave his life with full abandon to the elaboration of these principles, and that the interpretation of his doctrines requires much more than mere literary criticism, for his writings were but the sparks struck out from the fire burning within the man, and his deeds are of equal importance with his executive documents.

Turgot's place in the history of economics has been variously construed in later times, from Léon Say's verdict [1] that "he is the founder of our present political economy, and, by the freedom of labor which he bequeathed us, he has stamped our century with its most distinctive mark," to Oncken's opposite opinion [2] wherein he assigns Turgot a distinctively subordinate place. The final judgment is yet to be made.

[1] Léon Say, *Turgot*, p. 13.

[2] Oncken, *Geschichte der Nationalökonomie* in *Hand- und Lehrbuch der Staatswissenschaften*, 2 Band, I. Teil, pp. 449, 459, 463.

Some misconceptions may be banished by a more general knowledge of all of Turgot's economic activities; some may be made to appear wholly untenable by assembling known facts of his relations with other economists, while others may never be resolved. Of the first class is his relation to the physiocrats.

This relationship is somewhat complicated because of the disagreement between Turgot and his biographers and the English and German economists. It is unquestioned that Turgot held warmly to some of the doctrines of the Physiocrats; the readiness and lucidity with which he set forth these doctrines in the *Éloge* of Gournay shows not only familiarity but sympathy with them. With scarcely an exception, the writers who have occasion to refer to Turgot class him with the Physiocrats, and the more exact ones place him in the Gournay school rather than in that of Quesnay. Léon Say flatly declares that Turgot remained a Physiocrat until the end of his days.[1] Higgs, on the other hand, while including Turgot among the Physiocrats whom he discusses, acknowledges that Turgot always refused to identify himself with that school. The whole question must be decided according to whatever basis of division and classification one chooses for himself. Over against all that may be said by others of Turgot, his own words ought to be placed as partly, if not chiefly determinative. Du Pont states that he very frequently said: "It is the sect spirit that makes enemies to useful truths. If an independent man states modestly what he believes to be the truth, if Reason be with him, we listen to him; if we find him in the wrong, we forget him. But as soon as savants surrender themselves, in pride, to constitute a body and to say 'we,' and believe themselves able to give laws to public opinion, thoughtful public opinion revolts against them, wishing to receive laws from truth only and not from authority."[2]

[1] Léon Say, *Turgot*, p. 62.

[2] Dupont, *Œuvres de Turgot*, pp. 47 ff.

Turgot left no comprehensive reasoned statement of his economic theories. The *Éloge* makes it clear that he held with Gournay to the principles of free labor, free industry, and free trade in grain; his essay on *Valeurs et Monnaies*, a fragment only of which is preserved to us, if indeed it ever was a finished production, shows his agreement with Galiani in tracing value to a psychological basis, finding it a phenomenon peculiar to man and not in nature outside man himself. He frankly acknowledges himself in hearty agreement with Trudaine both as to the nature and incidence of taxation; he tries to establish a distribution of value according to reason, justice and equity, but scarcely mentions the *Tableau Œconomique* which the followers of Quesnay regarded with almost superstitious reverence. He held, in common with all the Physiocrats, that land alone yielded a net product over and above the labor and capital expended upon it, but Turgot held these positions not as a physiocrat, nor did he accept them because they were cardinal tenets of a school; on the contrary, with a striking individualism, what he held he first passed with rigorous independence through his own mind, and accepted his own reason and conscience as final. And these are not the characteristics of a partisan. While he was admired by all his friends among the *philosophes* and *économistes*, he, in turn, venerated Quesnay, honored Mirabeau, tolerated and criticized Galiani, and sincerely loved Gournay and Trudaine. It was natural for them to claim him as one of their school, and equally natural for him to hold aloof from all societies in proportion as they were capable of binding or determining his intellectual or moral positions. This course could have no other effect than to weaken his hold upon that great class of minds which yield allegiance more readily to institutions than to ideas.[1] He would think for himself, and

[1] Soulavie, *Mémoires Historiques et Politiques du Règne de Louis XVI.*, t. ii, p. 277.

persuade others to his thought if he could. And such men are not easily classified and identified with sects and schools.

Turgot's relations with Adam Smith have been discussed with all the fervor of personal interest and heated chauvinism. The controversy has almost passed out of the impassioned stage, and yet here again it is plain that the last word has not been said. To the orthodox economists of France, Turgot holds the same place that Adam Smith does to English and American economists; priority of doctrine, and Smith's possible indebtedness to the Physiocrats and Turgot, have been vigorously discussed in three languages. Interest in the discussion had about disappeared entirely, largely because the old material had been so well worked over that little remained to be said, when Cannan published, in 1896, some hitherto unknown data, and by his own historical and critical introduction to the work gave the subject a new lease of life, and kindled into warm glow the embers of forgotten fires.

The new material was in the form of elaborate notes of Smith's *Lectures on Jurisprudence*, covering the topics Justice, Police, Revenue and Arms. The lectures were delivered at the University of Glasgow some time before Smith resigned his professional duties in 1763, and later than 1760. They forecast in great part his subsequent monumental work on the *Wealth of Nations*. Cannan has given painstaking care to the comparative analysis of the two works. His introduction contains an admirable summary of the present status of the controversy, from one point of view. We take the liberty of quoting here rather freely from the passage relevant to our theme. Of Smith and Turgot, Cannan says:

"Du Pont de Nemours said, in his haste, of the *Wealth of Nations*, 'everything that is true in this respectable but tedious work in two fat quarto volumes is to be found in Turgot's *Reflections on the Formation and Distribution of Riches;* everything added by Adam Smith is inaccurate, not to say incorrect.' At a later period he repented of this outbreak, and

confessed to a certain want of knowledge of the English tongue which had prevented him from appreciating Smith's work as he ought to have done. But down to quite recent times, if not to the present day, writers of authority have often expressed belief that *Wealth of Nations* owes much to Turgot's *Reflections*. Du Pont's learned and able biographer, as lately as 1888, permitted himself to speak of 'the care with which' Adam Smith 'omits to quote' the principal works of the physiocrats and 'especially that of Turgot.'

"For the particular accusation, indeed, that Adam Smith does not acknowledge his obligations to Turgot, there never was much foundation. He certainly does not acknowledge obligations; but had he any to acknowledge? Turgot's book, though written in 1766, was only published six years before the *Wealth of Nations*, and then only in the French periodical *Éphémérides du Citoyen*. As this was not in the Advocates Library at Edinburgh in 1776, and is not among the collections of Adam Smith's books which Dr. James Bonar has catalogued, we are not justified in assuming that Adam Smith had so much as seen the work. The internal evidence is of the weakest possible character. To rely on general similarities of doctrine in such a case is childish. Such similarities are constantly found in the writings of contemporary authors who can not possibly have been acquainted with each other's works. The coincidence is to be explained by the fact that in literature, as in everything else, the same effects produce the same causes (*sic*). There is surely nothing surprising in the fact that two men who have read the same books and observed the same events, should occasionally use the same arguments and arrive at the same conclusions. Something much more definite is needed, and no serious attempt has ever been made to supply it, by pointing out particular passages in *Wealth of Nations* which appear to owe anything to the *Réflexions*.

"Myths of this kind, however, die hard, and if the lectures had remained unknown, the statement that Adam Smith made

much use of the *Réflexions* would probably have been repeated from text-book to text-book for at least another half-century. But as it now appears that the resemblance between the *Réflexions* and the Lectures is just as close as that between the *Réflexions* and the *Wealth of Nations*, and as the *Réflexions* were not even written till after Adam Smith had ceased lecturing and had seen and conversed with Turgot, it may be supposed that the enthusiasts of plagiarism will now seek to show that instead of Smith stealing from Turgot, the truth was that Turgot stole from Smith."[1]

To those who have neither inherited nor acquired a personal, party, or national interest in this controversy, the vigor and earnestness of Cannan's observations are somewhat puzzling, and one is led to question if his zeal has not played sorry tricks with his memory. Familiar as he is with Bonar's Catalogue of Adam Smith's library, he must know that Bonar states unequivocally that he catalogued not more than two-thirds of the books in Smith's library before it was divided among his heirs,[2] and that if McCulloch's estimate of the number of books in the library be at all accurate, the catalogue only contains two-fifths of them. At any rate, with one-third of the books omitted, no valid conclusion can be drawn concerning the books Smith did not have. And Cannan must also have known of the intimacy existing between Hume, Smith and Turgot, for the correspondence between Hume and Turgot as grouped and published by Ashley[3] was published in Burton's Hume,[4] in the Letters of David Hume by Hill,[5] and in Anderson's translation of Léon Say's *Turgot*.[6] More than three years before the *Réflexions* were published

[1] Cannan, *Notes of Lectures by Adam Smith*, Intro., pp. 23 ff.

[2] Bonar, *Catalogue of Adam Smith's Library*, p. viii.

[3] Ashley, *Economic Classics*, pp. 101 ff.

[4] Burton, *Hume*, pp. 350 ff.

[5] Hill, *Letters of David Hume*, p. 87.

[6] Léon Say, *Turgot*, p. 56.

letters of familiar intercourse passed freely between them; and although Rae stoutly affirms [1] that in the absence of records from either side of the channel there could have been no correspondence between Smith and Turgot, both Neymarck [2] and Condorcet [3] speak of it. Furthermore, it is known that Turgot and Hume corresponded during 1770; that in September of the same year Turgot sent a copy of the *Réflexions* to Dr. Tucker,[4] and that at least one copy of the *Réflexions*, bound separately, was in England, and in the possession of one of Smith's friends, six years before the *Wealth of Nations* appeared. It must be presumed, also, that Cannan forgot that in the same letter to Dr. Tucker, Turgot mentions his astonishment that "in a country enjoying the liberty of the press you are almost the only author who recognizes and understands the advantages of free trade, and who is not led astray by the puerile and sanguinary delusion of a self-centered exclusive commerce;" [5] that in March of 1778, less than two years after the publication of *Wealth of Nations*, Turgot writes to Dr. Price of "the system of monopoly and exclusion which controls in all your political writers on matters of trade (I except M. Adam Smith and Dean Tucker), the system which is the active principle of separation between you and your colonies." [6] These letters of Turgot are translated in the work on Turgot by Stephens, and published a year before the *Notes*. These evidences, taken in connection with the known intimacy between the men and their kindred interests, seem to justify a directly opposite conclusion from that drawn by Cannan, that "we are not justified in assuming that Adam Smith had so much as seen the work."

[1] Rae, *Life of Adam Smith*, p. 204.

[2] Neymarck, *Turgot et ses Doctrines*, vol. ii, p. 332.

[3] Condorcet, *Vie de Turgot*, p. 201.

[4] Daire, *Œuvres de Turgot*, p. 802.

[5] *Ibid*, pp. 805 ff.

[6] *Ibid*, pp. 805 ff.

Again, in stating that "no serious attempt has even been made to supply it, by pointing out particular passages in *Wealth of Nations* which appear to owe anything to the *Réflexions*," Mr. Cannan seems to have forgotten the really serious and successful attempt to do that very thing by Dr. Leser in 1874. And overlooking Dr. Leser's work, the Introduction to the *Notes* missed many valuable references which the author makes[1] to the passages mentioned here, and many others of equal value. But in the elaborate and numerous parallelisms compiled by Dr. Leser, and those which may yet be made in re-examining Adam Smith's work for the purpose of tracing his independent or borrowed Physiocracy, the "enthusiasts of plagiarism" may prove nothing definite, for it is improbable that any more palpable evidences of "unconscious cerebration" may be discovered than that which is apparent between Cannan's own words, quoted herein, and the language of Rae in his life of Adam Smith, pages 203 and 204, concerning this same "Turgot myth," and it is wholly unwarrantable to assume that Cannan is indebted to Rae.

Further, in concluding that "the resemblance between the *Réflexions* and the *Lectures* is just as close as that between the *Réflexions* and the *Wealth of Nations*," Cannan is in direct and striking conflict of judgment with Hasbach who is no less friendly to Adam Smith than is Cannan. In his discussion of the evidence given by the *Notes*, Hasbach says, "For the gaping chasm between the *Lectures* and the *Wealth of Nations* there is no other explanation than that Smith, while associating with the Physiocrats, was led by a study of their works to assume a more friendly attitude toward Locke and Hutcheson, and thus gradually to oppose the views of Montesquieu."[2]

A careful reading of the *Notes* does indeed disclose striking

[1] Leser, *Begriff des Reichtums bei Adam Smith*, pp. 79–92, and note 2, p. 86.

[2] Hasbach, "Adam Smith's Lectures," in *Political Science Quarterly*, vol. xii, p. 692. (For this latter conclusion see also Puynode, *Études*, p. 48.)

similarity between Smith's conceptions of the nature, scope, and function of political economy as contained in the two works. Before Smith visited France he assigns political economy [1] to a subordinate division of Police which he makes a subdivision of Jurisprudence. In the *Wealth of Nations* this position is maintained clearly in the Introduction to book iv. Throughout his writings, Smith seems to have conceived of political economy as essentially political, a sort of guide and hand book to the legislator. This conception he certainly did not get from the Physiocrats nor from Turgot, nor does he seem to have changed in this respect from his meeting with them, and his better knowledge of their works. Hasbach questions if Smith was not rather harmed than helped by his contact with Physiocratic doctrines, by losing in a measure the "historical objectivity" which characterized his earlier work,[2] and Ashley thinks Smith acquired some ideas and nomenclature from them which he was unable to use in the way they used it.[3]

The fact must not be lost sight of that Smith was essentially a theologian of the "natural school," a moral philosopher by training and profession; that his approach to economics was wholly from the side of morals and that his lectures on Natural Theology, Moral Sentiments and Jurisprudence were parts of a comprehensive course in Moral Philosophy.[4] Hasbach says: "The *Lectures* show us in a most unambiguous way that Adam Smith worked from 1760 to 1764 entirely within the limits of the Scotch moral philosophy; he had not yet at that time undertaken to separate the science of law from that of economic conditions."[5] It seems rather that he never undertook to

[1] Cannan, *Notes of Lectures by Adam Smith*, pp. 154, 157.

[2] Hasbach, "Adam Smith's Lectures," in *P. S. Q.*, vol. xii, p. 695.

[3] Ashley, *Economic Classics*, p. xiii.

[4] Leslie, *Essays*, p. 25.

[5] Hasbach, "Adam Smith's Lectures," in *Political Science Quarterly*, vol. xii, p. 685.

separate economic conditions, nor even conceived that they were separable, from the science of law. His place in the history of economics is established and unshakable and there is no ground for dispute over the value of the work to which he gave initial impetus. But it is altogether a question if his place in the science of economics is not rather the result of fortuitous circumstances than of inherent merit as an economist. As between Smith and Turgot in this field there is no comparison between the men, but rather marked contrast. As Dr. Seligman has pointed out, "to Turgot we owe the first analysis of modern distribution into wages, profits and rent; to Turgot we owe the discussion of the distribution of labor, and the nature and employment of capital; in Turgot we find the iron law of wages, the great arguments against the corn laws, the overthrow of the guild system, some of the fundamental principles of taxation, and a host of other doctrines."[1] And not only is the quantity of economic doctrines incomparably greater in Turgot than in Smith, but the quality of their respective works, their fundamental conceptions of economic relations, their construction of economic phenomena and analysis of economic laws, their perspicacity of economic insight and lucidity of expression are radically different, and with the advantage all in favor of Turgot. Both, indeed, had gained the historical perspective required for the interpretation of the present, but here again their methods were in sharp contrast; Smith was essentially expository and illustrative, Turgot was critical and constructive; Smith was an instructor, never separate from his didactic methods, Turgot was ever appealing to reason and conscience. Smith sought what had been found serviceable in producing opulence, while Turgot ceased not to appeal to the sense of justice in man, in behalf of what ought to be, regardless of what had been.

And their view-point as economists was equally at variance.

[1] Seligman, "Review of Léon Say's Turgot," *Political Science Quarterly*, vol. iv, p. 180.

Smith's position has already been defined. Turgot would posit reason as the sole determinative factor in construing economic relations. Had he been confronted with the phenomenon of industrial capital as it exists to-day, together with the obvious sources of income found in industrial processes, he would have been quick to renounce the fallacy of regarding agriculture as the sole agent of a *produit net*. All his writings warrant the assertion that under changing social conditions and continuous industrial readjustments, Turgot stood open to change and modification of his views, in so far as these were not based "in the nature of things." And in coming to his theoretical and practical conclusions, there is nothing in Turgot to match the indefiniteness of generalization, vague definitions and "squinting constructions" of economic doctrine which are so characteristic of Smith. Hasbach, in the essay already quoted, says that "Smith grafted a physiocratic economic branch on the tree of his metaphysics." Any unprejudiced reader of the *Wealth of Nations* who is at all qualified to form independent judgments, feels consciously when perusing book i, chapter v, and book ii, chapters i and ii, where Adam Smith comes nearer propounding a theory of distribution than anywhere else in the work, that he rather tied to the branches of his metaphysical tree some economic fruit, with the flavor of which he was unfamiliar.

The *Notes* make it clear that neither Turgot nor the Physiocrats had any part in communicating to Adam Smith his doctrines of the division of labor, and of Natural Law and Liberty. Whatever he says of this in the *Wealth of Nations* he got from sources outside France. But what little there is in his doctrines on the distribution of value he must have gotten from some source, and that doctrine was the one specialty above all others of Quesnay and his school, as well a favorite topic with Turgot.

Events in England, however, were ripening for the industrial revolution. Almost coincident with the appearance of the

Wealth of Nations came the revolutionary economic fact discovered and applied by Smith's erstwhile fellow professor in the university. The *Wealth of Nations*, written under the domestic system and of most use in that environment, was destined to become the book of reference and inspiration for the economic schools and literature of the factory system; the name of Adam Smith quickly became a household term. The fact that the *Wealth of Nations* was scientifically inexact and capable of many different interpretations made it all the better adapted to general and promiscuous discussion. Adam Smith sprang at once into prominence and enduring fame among economists and with the public. His place is assured and indisputable, and his work is beyond disparagement because of what it accomplished and inspired others to do.

Meanwhile events in France were ripening to an economic revolution, which produced so much social fire and political smoke that the man who, more than all others, discerned the true nature of the swiftly approaching revolution and devoted his life with sublime unreserve to avert it was obscured to most of the world outside of France for more than a century. When Turgot was dismissed from the Ministry of the King, he was held in dishonor by most of his own nation. He had a circle of friends who held him in highest esteem and appreciated his efforts for France. It is not yet fifteen years since the first account of his life and doctrines appeared in English. Little of his work was published during his life time, and the works in English concerning him, though good, are but fragmentary at best. The twenty months during which he was Controller-General of Finance are among the best known periods of French history; but, outside academic circles, his wider fame and richly-deserved recognition are but in process of being established.

CHAPTER III

THE POLITICAL PERSPECTIVE OF THE SIX EDICTS

THE wealth of material confronting the historian of the age of Louis Quinze is an embarrassment. So much that is pertinent and relevant to almost every topic connected with this period is easy to adduce, that the difficulty of a specific task lies in selecting what not to say. So much crumbling was there, and so many contributing elements to the activity of the time that only the barest outline becomes possible within becoming space. Among the numerous forces which were working toward the overthrow of the ancient order, three stand out prominently, and these yield to brief exposition.

From the time of Richelieu, under whom the Estates General met for the last time before the Revolution, the two political forces in France which were in a positition to figure alongside of Royalty were the Parlements and the Clergy.[1] Out of the clash between imperial and papal absolution, the Parlements emerged with growing prestige. As a negative political force, they came to confront both the Church and Royalty. The life-work of Turgot, and especially the Six Edicts which marked the culmination of his career, cannot be comprehended until these three forces, at least, are properly articulated.

I. *The Parlements*

The epoch of the Crusades was succeeded in France by the era of the Universities. Among these, the universities of Toulouse and Orleans became especially noted for the study of law. The Institutes, the Code and the Pandects of Justinian

[1] Jaurès, *Histoire Socialiste*, vol. 1, pp. 1–146.

shared with the classics in the intellectual awakening. The increasing number of lawyers gradually replaced the nobility in the councils where war and booty had been discussed and justice, or what passed for that, was dispensed. The nobility scorned the lawyers; learning was a drudgery far removed from the instincts of these men of war. Thirteen parlements came to be established in as many different provinces and were the recognized judiciary of the realm. Partly owing to its location in proximity to the Court, the parlement of Paris exercised a sort of primacy among them and was the representative body in acts where all were concerned.

The parlements, immediately subject to the king, were counted by the monarch as his organs for construing the laws and administering his justice. All legislation sprang from the King and Council, and when of material importance, the laws were submitted for registration in the body of laws, if of general character, to the parlement of Paris, if of local interest and application, to the provincial parlement most interested. As conservators of the civil laws, the parlements often found the positive laws proposed by the monarch in conflict with precedent. In this case, they refused to register the law, whereupon the king summoned them to a *bed of justice*. At this function the king appeared in his sacred person and listened to their arguments in protest. If the arguments were well taken, or if for any reason the king deemed it unwise to force the issue, the law was withdrawn; in case the king remained firm in his determination, he commanded parlement, by virtue of his absolute authority, to register the law. Sometimes the parlement yielded; often they were obstinate and refused to do the will of the king. In such cases the *lit-de-justice* being dismissed, *lettres de cachet* were issued under the king's seal, the recalcitrant magistrates were arrested, imprisoned, banished. or otherwise punished according to the pleasure of the king, With the decree of banishment went the confiscation of the magistrates' office and privileges.

The parlements have been much lauded as the conservators of the liberties of the people. This claim can scarcely be made good. They were the conservators of tradition, standing against both king and clergy for what was inherited. It was through a quarrel with the clergy that the parlement of Paris was exiled, following a bed of justice, shortly after Turgot entered the magistracy. His acceptance of a place in the parlement by which they were replaced served to win for him the undying hostility of the deposed magistrates and their partisans. How much influence this had in their later relations is an open question.

II. *The Church*

About the end of the thirteenth century, the Hildebrandian policy of centralization reached the logical and fatal consummation of ecclesiastical policy. The church had long since ceased to be merely an organ of religion; it had come to be a church-state, having its own code, its judiciary, executives, legislative bodies, and diplomatic representatives; claiming to be the voice of God, it claimed primal jurisdiction over all sovereigns and all people. It was a formidable power, a little Christian, more Jewish, and more pagan than either. It had gathered up the imperial power of the Empire and made temporal sovereignty an inseparable function of spiritual jurisdiction. It claimed the material power of purely civil states for its defense and aggression, and behind all it claimed the sanction of the miraculous power of Omnipotence for the establishment of its decrees.

Boniface VIII. decreed the property of the Church wholly severed from all secular obligations, and declared himself the one exclusive trustee of all property held throughout Christendom by the clergy, the monastic orders, and the universities. Without his consent no grant or subsidy, aid or benevolence, could be raised on those properties by any sovereign in the world. This decree not being received with favor, the Pope

issued a series of four bulls looking to the formation of a perpetual league of the French Clergy against the King. Failing again, Boniface issued another bull in the following year censuring the King for oppressing his subjects, denied his right to bestow benefices, and rebuked his presumption in subjecting ecclesiastics to civil jurisdiction.

To meet these successive onslaughts of fatuity, the first States-General was convoked by the King. The Clergy, the Nobility and the Commons each drew up its own address of remonstrance. After much wrangling, the papal claims were finally reduced to formal definition. On November 18, 1302, the famous bull "Unam Sanctam" was issued from a consistory. This precious document stated the papal power in the following terms:

"There are two swords, the spiritual and the temporal; our Lord said not of these two swords 'It is too much,' but 'it is enough.' Both are in the hand of the Church: the one, the spiritual, to be used by the Church; the other, the material, to be used for the Church. . . . One sword must be under the other, the temporal under the spiritual. . . . We assert, define, and pronounce that it is necessary to salvation to believe that every human being is subject to the Pontiff of Rome."

In answer to this bull, two stormy parliaments were convened in the Louvre in March and June of the following year and, by the mouth of one of the most eminent professors of law in all France, the Pope was summoned for trial before a general council which the king was urged to convoke for this sole purpose. The death of the Pope brought the proceedings to an abrupt end.

Two permanent effects arose out of these conditions. On the one hand, the standard of the rights and prerogatives of the Clergy had been authoritatively defined, and although it was inexpedient to press the claims at that time, the end to be sought was clearly defined; and the Church had learned how to wait. On the other hand, the parlements gained a prestige

as guardians of the rights of the people against the encroachments of canon law.

At the time of Henry IV. one-fourth of the territory of France was in the hands of the Church. In addition to these lands, many industrial enterprises were conducted by the monastic and the religious orders, and operated as sources of revenue. Some of these have been banished in 1903. The clergy claimed exemption from taxation on real estate both by virtue of final jurisdiction and because of the expense of celebration of divine service. The first claim was not pressed in the face of a strong minister or equally strong king. In lieu of taxes, the clergy granted gratuitous gifts to the king at periods of five years, and held themselves to convoke an extraordinary assembly on the breaking out of war, and to make a special gift by means of which the King might be in position to make the first advances on war expenditures. The amount of these gifts was commonly provided by means of loans contracted, and the interest on these accumulated sums became a heavy charge on the holders of benefices, who had to contribute one-hundredth of their revenue. These charges were held before the king as additional reasons why the clergy should be exempt from all taxes, real and personal. Other claims for immunity and privilege were based on these gifts, and this, together with the ceaseless jealousy with which the spiritual orders regarded all civil constitutions as putting in jeopardy their own claims to final jurisdiction, were a fruitful source of disorder and difficulty in political administration.

III. *Royalty*

The story of the development of feudal lordship into the personification of absolute power in the person of Louis XIV. is a long and complex, but never a tedious tale. The claim of power could be made good only by the exercise of it, and it was not until late in the reign of Louis XIV. that a series of great statesmen had finally accomplished the subjugation of

all parts of the kingdom. Among themselves, the different parts of the realm were largely strangers and often hostile; their one bond of unity was their common subserviency to the Monarch. Such a thing as a national self-consciousness did not exist. When the great king used the famous expression, "I am the State," he spoke truly. There was a French nation, to be sure, but all the attributes of sovereignty by which a nation is constituted were vested in the sacred person of the French king.

As the feudal lords were brought into subjection, they were charged with furnishing the monarch with his fighting force, and with dispensing justice. All this had to be borne at their own charges. Subsequently, as already stated, the parlements relieved the nobles of part of this service. Later, it became more convenient for the king to have his own troops under pay and always prepared. It was wholly inexpedient to exact this expense from the nobles who were yet pledged to personal military service, and they were made exempt from it. Slowly but with proverbial certainty, the nobles were relieved altogether from this personal service to the king, and were granted exemption, with their personal retainers, from all military service. When they served at all in the armies they were paid the same as the commoners in like service.

In this manner the court of the king became burdened with one of its heaviest weights, an incubus which could not be shaken off. These nobles possessed much territory; they had come to be exempt, along with the clergy, from taxes on real property; they were men of war who did not wage war except for pay, and came to be far more enamoured of the pleasures of court life than of the field of carnage; they had to be kept, they had to be amused. There was nothing for them to do but to supplement their income by the bounty of the king, increase many-fold the budget of his expenses, and contribute almost nothing to the revenues of the state.

When Louis XIV. and his great ministers were memories,

when the tide of monarchical aggrandizement turned and ebbed through the Regency and Fleury into the hands of Louis XV.; when that monarch became diseased without and leprous within, and his court a shameless pornocracy which befouls the historic page and defies the telling, the two hundred and seventy thousand *privilégiés* constituted a financial burden which could not be borne.

When Robert Turgot began his public career, these three powers of France were confronting each other, and royalty, in all that pertained to the assertion and exercise of the regal functions of an honored kingship, the weakest of them all. The parlements, exponents of civil law and the conservators of tradition; the church, exponent of canon law and conservator of a presumption which included worlds seen and unseen; royalty, exponent of positive law, embodiment of absolute power, and weakened to the point of extinction; these three Turgot saw and comprehended more clearly than they can be known to-day, and when he consented to become the king's right hand, and head too, it was with the definite purpose to rehabilitate the monarchy, free it from part of the incubus of the nobility by cutting down the expenses of the court, compelling the *privilégiés* to give up part of their economic privileges and to bear a proportionate share of the expenses of the state; to incur no new debts till the old were being paid; to pay all legitimate obligations in full with no subterfuge of bankruptcy, and to relieve the people from the crushing burdens which had been heaped upon them.

This program is definite and not hard to be understood; but Turgot had too long been governor of one of the most wretched provinces to underrate the difficulties which beset him. It is probable that no such chaos of economic conditions has ever at any time confronted any Minister of Finance in any nation. Behind him were the legitimate expenses of the State, the expenses of the Court which had been trained by a century of wanton extravagance, the enormous mass of war

debts which had been accumulating through many years, and the impossible obligations assumed by his predecessor; confronting him on the other hand were antiquated methods and vested rights. He must devise better means of covering revenue into the treasury and displace discredited ones; he must take burdens from the unprivileged and put them on those who had long enjoyed special economic advantages; he must repudiate some obligations, refund others, and set in motion processes for the extinction of them all; he must cut down expenses in a way to make some favored ones feel that the ends of the ages had come, and reunite in the hand of the king as many taxes as possible of those which had been sold. And all this meant only to restore monarchy to its actual exercise of sovereignty, "a paternal government, in which the sovereign is raised above all for the welfare of all."

To accomplish his ends and bring about a peaceful revolution, Turgot relied solely on economic reforms. Free industry, free trade in the necessities of life, proportionate taxation and no special financial privileges, constituted his method. Days of larger and more general enlightenment might pursue the same with profit.

CHAPTER IV

ADMINISTRATIVE ORGANIZATION IN THE ANCIEN RÉGIME

UNTIL after the revolution there was no general *cadastre*, or survey of the territory. Such surveys as had been made were inaccurate, conflicting and worse than useless, inasmuch as they were merely provocative of dissension. Boundaries, both general and specific, were for the most part consensual and of historic origin. There were certain military divisions which followed natural geographical lines, but since these lie without the lines of ordinary administration, they may be disregarded.

The thirty-two provinces were military governments, strictly speaking, and were similar in administration to the eight small governments which were not included in the number of provinces. The boundaries of these provinces conformed, for the most part, to the great feudal estates which were brought into subjection in the course of the development of the monarchy. Their lines were, therefore, most irregular, and would have been exceedingly inconvenient if established arbitrarily. For purposes of revenue from all the realm, the country was later divided into thirty-five *Généralités* or *Intendances* and these, at the opening of the reign of Louis XV, were governed by thirty-four Intendants, Toulouse and Montpellier being combined in one jurisdiction. The close correspondence between the number of provinces and généralités gives no adequate indication of the essential overlapping of territory; no one of the provinces but had two or more intendants exercising jurisdiction in its territory. And in the absence of definite surveys, the residents who happened to live within the lines of conflicting jurisdiction

often felt the inconvenience of double taxation as well as other evils.

Originally the intendants were special agents of the crown, having in charge all local financial matters other than the collection and legal jurisdiction of the *taille*. Gradually, with the growth of royal power, the intendants were put in charge of all matters of police, public welfare and militia service. Jurisdiction over the *taille* was subsequently taken from the *élus* and added to the functions of the intendant, and appeal from his decisions was carried to the Court of *Aides*. Here the intendants came directly into contact and conflict with the magistracy. In all other matters, appeal from the intendant was direct to the Controller-General of Finance and the Royal Council. It was in matters of reform which came before the magistrates on appeal from the intendant that the greatest hindrances to effective reform were met. Another local obstacle was met in the nobility.

The intendants were first known as *commissaires départis*, and as such came as representatives of the Crown into immediate conflict with the nobles living in the provinces. In the Intendants the feudal lords saw the emissaries of their sovereign who was attempting to accomplish what remained of their subjugation after the work of war measures had been finished. The nobles could easily harass and annoy the local administrators without bringing themselves into direct conflict with the king. They could appeal directly to the king against the Intendant, and the administrators found it much more convenient to extend to the utmost the privileges granted by the Crown or urged by the nobles, than to come into stubborn conflict with them in matters of contributions. When the Intendant happened to be chosen by favoritism rather than for effective service, the house of the Intendant reproduced on a small scale the luxuries and depravities of the Court.

Again, the entire territory of France was divided into

election districts (*pays d' élections*) and states districts (*pays d' états*). In the first, the King assessed the taxes directly upon those who were subject to taxation, by means of his administrative officers; in the second, the states or assembly received their gross apportionment from the Minister of Finance, apportioned it themselves among the different parishes, and returned each year a gross sum to the Royal Treasury. In the first, the crown named the special magistrates, called *élus*, to have jurisdiction over the matter of the *taille* and all claims growing out of its assessment and collection. The *élus* had penal jurisdiction also, but it was by a later development that their jurisdiction came to be restricted to the latter.

The worst features of the financial system became conspicuous in the final personal assessment and collection of the taxes. Assessors were generally chosen each year from among the residents of the parish; rarely if ever had they any adequate qualifications for the place, either in business judgment or in general intelligence. Most frequently they had old scores to pay off, and lacking these, they knew they would have, so they had no compunctions in anticipating future trouble. They were held responsible to their immediate superiors for a definite sum which they must find somewhere. Assessments came to be merely matters of neighbor spying on neighbor, and assessors were cordially hated by all. When the assessments had to be collected, not infrequently the property assessed could not be found, the supposed owners were naturally suspected of concealing their wealth, the sheriff's writs were handed over to convenient soldiery for execution, and the spectacle was not uncommon of fleeing men, harking through the woods, pursued by soldiers and a motley rabble, some accusing the fugitive, some heaping anathemas on the pursuing officers, and others merely enjoying the chase. Such spectacles as this at one end of the citizenship contrasted strangely with the scenes at the other end where the sums so gathered were spent. A graphic picture of these appalling

measures and conditions would fill volumes of no pleasant reading.

The administration of finances was made difficult further by the innumerable barriers and restrictions which the provinces raised against each other and themselves. Driven to straits to provide the sums exacted by the Council, export and import duties were laid on goods passing from one province to another, transit duties were laid on commodities *en route* through intervening provinces, and in some of the cities the Crown added to the sum of the taxes by certain claims of its own. Especially heavy duties were levied on goods imported from foreign countries. Industry was taxed; all professions and trades being organized into close corporations or guilds, masterships were held beyond the reach of any but sons and sons-in-law of masters; women were wholly excluded. First and second twentieths with subsidiary additions were levied on incomes, capitation was assessed in proportion to presumed ability, and the taille, personal in some provinces, real in others, was assessed according to ability to collect. Every possible place, person and thing susceptible of yielding revenue was duly exploited, privileges always excepted.

Among financial minds of undoubted genius, that of the Minister of Finance, during the period of Turgot's Intendancy, deserves to rank near, if not at, the top. Biographers and historians of the period have, almost without exception, misunderstood and misjudged M. l' abbé de Terray. This man proved himself one of the most successful Ministers of Finance in the history of France, if a man is to be judged by the adequacy with which he discharges the functions of his office. Terray had but one task laid upon him—to finance the court of Louis Quinze. How the sums were to be raised the king neither knew nor cared; so long as the resources of his minister were sufficient the king was pleased. And it is obviously unjust to apply moral standards to a man utterly without morals, and who has no call to use them in the discharge of his duties.

The student of finance can only look with admiring awe and wonder at the unexampled ability displayed by this minister in the matter of securing revenue for royal expenditure. Taxes direct and indirect; taxes on consumption and production; taxes on exports and imports; taxes on industry and taxes on indolence; taxes on wealth and poverty; taxes on emigration and immigration; taxes sold at auction and privately negotiated; noblesse and its privileges sold to whomsoever had the price; places created and sold; obligations repudiated and debts scaled; compulsory gifts and gratuities exacted; loans forcibly made and others contracted at impossible per cents.— if any revenue-wresting device is wanting in the list, it is only because M. l' abbé de Terray had not yet had need of it when Turgot succeeded him. And the incidence of all these impositions neither king nor minister knew or cared: "*after us the deluge*." Money was the one insatiable and inexorable demand, and money the Controller-General supplied. No minister of conscience and remorse could have done it; had Turgot, by any mischance, been summoned to that ministry before the time when he did assume its burdens, he certainly must have failed; his twenty months as the virtual governor of France would have been shortened to less than as many days.

But such, nevertheless, was the administrative machinery at his command when he attempted to reform the finances of the monarchy, and such were the conditions confronting him and challenging him to resolve them into some sort of order. And Turgot knew the situation and knew it thoroughly; nine years in the magistracy and thirteen years as intendant under Terray gave him clear insight into more than was comprehended by the whole Royal Council, for, besides being of quick and tender sympathy, he was a trained, thinking, practical economist, and an honest man.

Three adjustments, as Turgot conceived it, were imperatively and immediately necessary. He told the king that expenses

must be cut down to the lowest possible amount consistent with the legitimate demands of the state; useless and superfluous offices must be abolished and their expenses saved to the state; all heads of departments must consult the Minister of Finance before submitting their budgets of annual expenditures, and they must also be prepared to give sufficient reasons for all sums demanded; all branches of revenue must be consolidated, as far as possible, the multiplicity of fees and claims must be merged into a few lines of taxes which, while less than the amount of the many combined, would increase the net amount of revenue by reason of the vastly lessened expense incurred in their assessment and collection; here, too, all superfluous and vexatious offices and functions were to be dispensed with, so far as could be done without crippling the service, and the smaller number of officials should be more carefully and discreetly selected, efficiency alone being sought; and as a third plan of reform all exactions from the subjects of the king for the support of the state were to be based, as nearly as possible, on the advantage received, on the enjoyments afforded by the protection of the state, and not on the basis of social and political distinctions, or other accident of birth.

Here, now, may be discerned the true significance of the Six Edicts, and the reason why these eminently sane and wholesome documents met with such determined opposition and temporary defeat. And here, too, must any comprehensive discussion of the Edicts, their fate, and that of their author veer off to the region of ethics, political and social. The permanent principles in human nature, greed, pride of position, place or possession, self-interest above social interest, and ignorance and prejudice, these are the identical stumbling-blocks in the way of all reform; they meet reformers of the present identically as they did Turgot and all reformers of the past, and as they will continue to confront reformers of the future till the times of reform are passed away.

PART II

HISTORICAL AND CRITICAL

CHAPTER I

SUMMARY OF CONDITIONS GIVING RISE TO THE SIX EDICTS

WHILE Turgot was yet in the Seminary of St. Sulpice, he turned his attention to the study of economics. From the time he wrote his letter on Paper Money he entered more and more into that field, and his philosophy of history grew simultaneously with his philosophy of economics. His social and economic philosophy, moreover, was so intertwined with his historic insight that they together formed inseparable components of his body of thought. The same clear vision which he directed to the past with its rise and fall of many nations, he turned with even more eager scrutiny upon and into his present. With an almost photographic accuracy, the mind of the philosopher-economist took note of the hidden forces which lay beneath the unresting agitation so characteristic of his day. And what the man was, no less than what he had stored away in his prodigious memory, what he was by nature no less than what he had become through the character of the studies by which his faculties were trained, determined what he saw. Being what he was by nature and by culture, he could and did see what was concealed from most of his generation.

At the heart of his social philosophy lay certain definite and unchanging principles; the various groupings of men, whatever the bond of cohesion which attracted and held them in political, industrial, social or religious bodies, all these were essentially superficial, temporary, evanescent. The underlying causal and determinative principles, immediately involving the conditions of human existence with all its possibilities, were economic principles based on justice, order and progress.

If the relations of man to nature, and the business relations of man to man were forced arbitrarily along lines productive of injustice, disorder and stagnation, Turgot predicted the inevitable overthrow of that misguided authority. In other words, Turgot held that bodies of men were susceptible of becoming permanent, as bodies, only *en rapport* with the fundamental laws built into the constitution of man; to contravene these laws and to obstruct their operation meant the sure extinction of the institution which thus set itself athwart the course of development. These conceptions he elaborated in the second part of his first address at the Sorbonne.

The larger significance of this philosophy lies not in the mere utterance of it by a graduate student in theology; other men have uttered as wise philosophy. But these ideas became inwrought into the very life of the man, the creative and initial motives of his twenty-five momentous years of public activity. And it is here that, in the interpretation of Turgot's doctrine, the life of the man rises to importance equal to, if not greater than, the critical analyses of his public documents; indeed, it is the man himself, his fundamental and motive ideas, which give color and complexion to his writings. Not to know the man is to throw the interpretation of his doctrines into inextricable confusion, despite their clarity. To see France as Turgot saw it, to penetrate intelligently into the very heart of its life for twenty-three indefatigable years, to breathe its atmosphere of dumb suffering or piteously impotent wrath on the one hand, and on the other the inhuman arrogance which scrupled not to exploit the bodies and souls of men for sensual indulgence and animal ease; to forecast the future of his day, and ours too, from the view-point he occupied, this is not a mere indulgence of the historic imagination, it is indispensable to the adequate understanding of the life and acts of Turgot.

It is scarcely possible to overstate the importance of this application of the spirit of history. In the particular case in

point, we have one of the best possible illustrations of the vagaries and misinformations to which one will be led by proceeding otherwise.

In his *Geschichte der Nationalökonomie*,[1] Dr. August Oncken gives the best historico-critical study of the works of Turgot which they have yet received. It is impossible to withhold admiration from the work of Dr. Oncken for its thoroughness and characteristically German passion for details. For the main points of his method, nothing but good may be said; for the main points of his conclusions relating to Turgot, scarcely anything good may properly be said. Instead of putting the real man to the fore, and interpreting his doctrines and administration in the light of the character out of which they sprang, Dr. Oncken subjects the manuscripts of Turgot and his immediate predecessors and contemporaries to a minute comparative examination, and out of the analytical fragments he constructs a Turgot as little like the original as figments of the imagination must necessarily be. And for his misconceptions, Dr. Oncken cannot plead the constitutional inability of Frank and Teuton to comprehend each other, for in all that pertains to his public activity in his generation, Turgot was in no sense typical of his race and time; he was much rather an interracial citizen. Purely from the standpoint of interest in the integrity of the science of economics and history in general, one is impelled to deplore the misapplication of excellent method by which Dr. Oncken has worked out conclusions relative to Turgot, to his place in his generation and in the history of economics, which are not only erroneous from the standpoint of the science, but so misleading as to be positively bad. A large part of Dr. Oncken's work, especially that which concerns Turgot, in both the first and second books of the *Geschichte*, is one of the most interesting and picturesque

[1] *Hand und Lehrbuch der Staatswissenschaften*, edited by Max von Heckel, Band 2, 1902.

pieces of destructive criticism in all the modern literature of economics.

Having built his critical fragments into an imaginary Turgot, Dr. Oncken does not hesitate to question the record of Dupont[1] concerning the change in Turgot's course from the Church to the Magistracy. Of this interesting episode, Dr. Oncken says: "The grounds, therefore, are not altogether clear. Because, the explanation which he gave his friends, that it was impossible to bear a mask before his face during his whole life, cannot be taken as a serious argument with reference to a position in which the highest dignitaries of the church did not scruple to make an open show of their atheism; even though Turgot was not himself an atheist."[2]

Oncken's Turgot, moreover, appears again and again as untrustworthy witness of his friends and of contemporary events and ideas. Expressions such as the following are Dr. Oncken's regularly recurring judgment:

"But Turgot's reliability also appears again in a most dubious light;"[3] "Thereby has Turgot gone against the historical truth;"[4] "Turgot's report, therefore, does correspond here with the evidence;"[5] "This again is an exaggeration."[6]

There is so much of really valuable textual and literary criticism in Dr. Oncken's work that one is led to feel sincere regret that his prejudice against Turgot, whom he appears utterly to fail to comprehend as a moving character in his field of history, vitiates the integrity of his conclusions and casts suspicion on the animus of his criticism. In one passage, Dr. Oncken starts off with apparently unqualified commendation and appreciation of Turgot. He quotes from Turgot's letters to the curés of his province, and says: "In the foregoing words we have the whole of Turgot before us. He is a man

[1] Dupont, *Œuvres de Turgot*, vol. 1, p. 28.

[2] Oncken, *Geschichte der Nationalökonomie*, p. 436.

[3] *Ibid.*, p. 304. [4] *Ibid.* [5] *Ibid.*, p. 293. [6] *Ibid.*, p. 306.

of enlightenment. To this spirit we owe the long preambles to the edicts which he introduced at the beginning of his ministry. There are verbose discussions which, in place of the customary '*car tel est notre plaisir*,' seem to desire to put the formula '*car tel est la loi naturelle*.'" Lest he should, however, seem to be betrayed into unquestionable praise of Turgot, Dr. Oncken immediately adds: "Now, one must not understand, of course, that Turgot had it in mind to carry through his projects at that time only with gentle means. It may have been only a survival of his theological period that he looked upon every one who opposed enlightenment in his sense either as a dangerous fool, or as inspired by base purposes. The expressions, 'absurde,' 'ridicule,' 'puérile,' 'imbécile,' and the like which point to the first idea, and 'frivole,' 'fripponerie,' 'brigandage,' and so forth, which point to the second, were frequently in his mouth." And after quoting his instructions to the police for the prompt and rigorous quelling of the bread riots in the province, Dr. Oncken says: "We have here already an anticipation (*Vorklang*) of his attitude in the so-called bread war at the beginning of his ministry."[1]

Further quotations are superfluous. Dr. Oncken, in undertaking the interpretation of Turgot and his works from this standpoint of literary criticism, has failed to comprehend fully the man and his situation. In a peculiar way, Turgot's life is the interpretation of his doctrines, and Dr. Oncken illustrates how far afield a scientific method may lead one who attempts to approach it from any other point of view.

Turgot looked upon the impending revolution in France as essentially an economic affair. The conception of the Reformation of the sixteenth century, as Guizot later recorded it,[2] was common among the *philosophes* of Turgot's day. The

[1] Oncken, *Geschichte der Nationalökonomie*, pp. 439, 440.

[2] Guizot, *History of Civilisation in Europe*, p. 257.

intellect of man had revolted against the authority of institutions which presumed to dictate to thought and conscience. Now that thought was freed—and it was tremendously free both within and without the Church at that particular period—it was inevitable that thought should revolt further against the authority of institutions which presumed to dictate the conditions of existence, of man's subsistence to be gained only from nature, and the distribution of the means of sustenance. He predicated certain laws inherent in man through all the continuous process of creation, and believed, with all the energy of his being, that governmental interference in economic relations lay at the root of the wide-spread misery which enshrouded, sometimes all too literally, the masses of the people. Whatever social and political changes might be involved in the revolution, Turgot regarded them as incidental and secondary rather than fundamental and causal. Unreasoned and irrational legislation, which forced a whole nation into centuries of abnormal commercial and industrial relations, had brought that nation to the verge of collapse; wretchedness and destitution, in gilt trappings or in wanton nakedness, were all the nation had to show as the result of its misguided efforts at economic legislation. To discern this was a vastly different thing from attempting to change what was already articulated in the political constitution of the realm. The conditions might be resolved in salons and sederunts; doctrinaires might discuss and wit multiply its epigrams, but medicament such as this could stem no nation rushing on to economic ruin. Neither could a deferential and apologetic suggestion of reform meet the case; the fruit of ages of unwisdom was ripe; it must be plucked, otherwise it must fall. The reforms attempted, moreover, must be no mere product of speculative wisdom; they must be tried and approved policies. Even though Dr. Oncken's Turgot left his province after thirteen years' administration in worse condition than he found it,[1] the real Turgot

[1] Oncken, *Geschichte der Nationalökonomie*, p. 438.

had proved to the satisfaction of his people the beneficence of rational government. For an economic revolution peacefully wrought throughout a nation no unskilled or faltering hand would serve. The policies must be conceived in honest wisdom and be guided by a hand of conscious strength, lest they glide harmlessly over the surface of established institutions and not go directly and with relentless precision to the heart of the economic disease. A supple, pliant politician could do no work such as this. Turgot was frigid on occasion. His face must needs seem adamant in uncompromising inflexibility and hauteur when Privilege would plead its right to economic advantage even though the nation fall; but that same face was often jeweled by tears of sympathy for the woes of France.

For more than two decades Turgot had been in active public work, directly responsible to the Crown. He witnessed the decadence of royal power, at close range and from the vantage ground of official position and intimate relation to its activities. He was as sincerely attached to the monarchy as any man in France. He knew its ancient constitution, he saw its prestige waning; he served under several successive Ministers of Finance who failed to govern. He saw the throne becoming more clearly and surely the servant, conscious or unconscious, of the classes of economic privilege, and preying with them on the unprivileged. He had no purpose, as he distinctly tells us,[1] of interfering in any way with the distinctions which divided the nation into political and social classes, but economic classes arbitrarily created, were the constant object of his strongest opposition. The Six Edicts were drawn directly at three phases of this unnatural division of the French people.

His devotion to the monarchy, moreover, in no way implied or involved the despotism of Quesnay's doctrines.[2] In a passage

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 277.

[2] Oncken, *Geschichte der Nationalökonomie*, p. 401.

too long to be quoted here,[1] Turgot defines monarchy in terms strikingly similar to the later and more familiar words of Guizot.[2] To him the monarch was the personification of sovereignty, raised above all for the welfare of all, and answerable for the exercise of that sovereignty at the bar of reason, justice and social welfare.

In the Memoir to the King, Louis XVI, communicating the Six Edicts to him and explaining them semi-confidentially, he uses this significant language: "I expect to be sharply criticised, and I fear the criticisms less because they will fall only on me; but it appeals to me as very important to give to the laws which Your Majesty enacts for the welfare of his people, that character of justice and reason which alone can make them permanent.

"Your Majesty reigns at this present moment by virtue of his power: He can reign in the future only by the reason and justice which shall pervade his laws, by the justice in which they are grounded, and by the gratitude of his people. Since Your Majesty has no wish to reign except to bestow kindness, why should he not be ambitious to reign later by the permanence of his beneficence?

"The preamble (to the edict abolishing the corvée) which I propose will be vigorously attacked from every side where a criticism may be based; but though no one will think more of me, when nothing remains of Your Majesty in this land but the memory of the good he accomplished, I venture to believe that that same preamble will be cited, and then, the solemn declaration which Your Majesty makes, that he suppressed the corvée as unjust, will be an insuperable barrier to every Minister who might dare to propose to re-establish it. I will not conceal from Your Majesty that I had that time in view when I composed the preamble, and that I am deeply interested in it for that reason."[3]

[1] Daire, *Œuvres de Turgot*, pp. 593–597.

[2] Guizot, *History of Civilization in Europe*, pp. 195, 196, 300.

[3] Daire, *Œuvres de Turgot*, p. 242.

Chiefly because of the rigor of the administration concerning the internal economic affairs of the nation, the monarch and his executives were universally hated and detested by the people. To restore the Crown to its rightful place as sovereign of *all* the people, and to re-establish it in the minds and hearts of the mass of the subjects, was one of the most imperative reforms according to Turgot's view.

To do this meant, on the one hand, to abolish the whole régime of economic privileges and, on the other, to rescue the royal power from the clutches of extortionate financiers, while the State must be guided away from the rocks of bankruptcy, against which it had been run by Terray.[1] This implied, by necessary consequence, a complete revision of the fiscal policies of the State, the recovery into the hands of the King of the mass of revenues which had been alienated, in one way and another, all of which were exacted from the people, but which failed wholly or in part to reach the royal treasury. Further, this program implied the reduction to a minimum of the friction between the individual will and the State in the matter of taxes, the abolition of the most vexatious and harassing taxes, and the most humane administration of those which the burdens of state made necessary. All the Six Edicts bore directly on this matter of reform.

The burden of this change in fiscal policy bore heavily on the privileged classes, as Turgot intended. The Minister did not hesitate to declare frankly his policy in this regard, and to defend it by historical precedent, the necessities of the State, and the promptings of common humanity. As will be seen later, in the analysis of the arguments on the abolition of the corvée, Turgot first established the series of advantages possessed by the privileged owners of land, and then submitted their claims to these advantages to the most scrupulous and rigid critical examination. Unfortunately this argument has

[1] Stourm, *Les Finances de l'Ancien Régime et de la Révolution*, vol. i, pp. 17–25, 37, 38; vol. ii, pp. 126–129, 190, 209–213.

never been translated into English, and almost no reference is made to it by the critics and historians of Turgot's work. It is of fundamental importance, in understanding his positions and the reasons therefor on the subject of economic privileges.

For their organ of protest against the projects of the minister, the nobility had the parlements. Not that the lawyers had great love for the Noblesse, but, being *privilégiés* themselves, they had common cause against the reforms which included them and their interests. But all their protests and the strength of their opposition had been anticipated by Turgot, and in the argument with Miroménil over the question of these privileges, before the Edicts were submitted to parlement for registration, he closes his argument with these sententious words:

"The motives which might have prompted respect for that privilege, had it been limited to the race of ancient defenders of the State, cannot be regarded, surely, in the same light when it has become common to the race of money-lenders who have plundered the State. Besides, what sort of administration would that be which would lay all the public charges on those who are poor in order to exempt all the rich!"[1]

As for the Church, Turgot had greater respect for its religious functions than many of those who attended mass regularly, or administered it. But for its economic privileges he had no more respect than for those of the nobility. He directly charges the clergy with subterfuge and inexcusable weakness in accumulating loans to discharge the gratuities they gave the Crown in lieu of proportionate contributions on their property,[2] but, inasmuch as the withdrawal of the economic privileges of the nobility was sure to raise determined opposition and a lively clamor, Turgot discreetly says of the clergy: "The privileges of the clergy are susceptible of the same discussions as those of the Noblesse, and I believe them no better grounded; however, since deducting the

[1] Daire, *Œuvres de Turgot*, vol. i, p. 276. [2] *Ibid.*, p. 288.

tithes and *casuels* leaves the property of the ecclesiastics no very considerable object, I am not unwilling to postpone to another time the discussion of principles involved, and to withdraw here the provision which concerns the clergy: although the proposition may be most just, it is certain that it will excite lively protest; and perhaps the opinions of the king and the minister are not so sufficiently decided but that it may be best to avoid having two quarrels on hand at the same time." [1]

With this definition of his policy, even had Turgot not been known as the author of *Le Conciliateur*, and to have urged the King sturdily to omit from his oath of office the provision committing him to the extermination of heretics, the most unstinted and inveterate hostility of the Church was assured against his every reform measure. And the Church can stir up the popular mind when it will.

It will be seen, thus, that the Six Edicts were designed to cover in part the wide-sweeping and radical economic reforms which, in the mind of Turgot, were necessary to avert the Revolution. The reforms were then possible without the shedding of blood. But France chose to pay the price. The edicts were calculated partly to restore the monarchy to the *de facto* head of the State, re-exalted in the hearts of the people, and made free from the parasites which were fattening from its already over-weakened vitality, and set forward to impartial government of all the subjects. The nobility were to be recalled to their original subordination, made to discharge their reasonable function to the State, and their largesses, perquisites and indulgences at the Court curtailed to the minimum of valid requirements. The Church was to be regarded as an economic person, and required to share the burdens of the State, while her claims to temporal indulgence on the ground of her other-worldly prerogatives, were promised ultimate extinction. All these plans had been well considered, care-

[1] Daire, *Œuvres de Turgot*, vol. i, p. 280.

fully pondered and peremptorily ordered on the basis of their inherent conformity to justice and reason.

Turgot wrote the notes for a Eulogy of his friend Gournay just fifteen years before he became the business head of the nation. The notes, unpublished during his life, have since come to be regarded as a succinct summary of Physiocratic doctrines, of Gournay's economic ideas, and of Turgot's own most familiar and warmly-espoused ideas of needed economic reforms. Together with the *Réflexions*, the *Éloge de Gournay* represents the best and most widely known of Turgot's work.

The *Éloge* which Dr. Oncken's Turgot wrote does not in any way represent Quesnay's principles, for his Turgot never met Quesnay until less than a year before the Notes were written,[1] and the distance between the men was so great, and Quesnay's professional duties were so heavy, that Turgot was prevented from knowing what Quesnay believed.[2] Neither does he represent Gournay, but he misrepresents his friend, who owed his ideas to Child and de Witt,[3] gives unmistakable evidence of exaggeration and is altogether untrustworthy;[4] in fact he constructed Gournay's doctrines for him, but because of overweening modesty, chose rather to publish the new ideas as Gournay's rather than acknowledge the truth that they were his own. The following words are interesting:

"Dann hat aber Turgot, der Gournay als einen Mann des absolutesten laissez faire et laissez passer hinstellt, abermals falsch berichtet;"[5] "Das ist die Lehre des Physiokratischen Systems, allein es ist nicht die Lehre Gournay's; und auch hier hat also Turgot wieder falsch berichtet;"[6] "Nun muss man freilich Schelle zugeben, dass, wenn die Anschauungen, welche Turgot im Eloge seinem Freunde Gournay zuschreibt, in der That dessen eigene waren, so handelte es sich wirklich um eine neue Theorie, und es wäre dann eine übergrosse

[1] Oncken, *Geschichte der Nationalökonomie*, p. 321.

[2] *Ibid.*, p. 322. [3] *Ibid.*, pp. 291, 437. [4] *Ibid.*, pp. 306, 437, 438.

[5] *Ibid.*, p. 299. [6] *Ibid.*, p. 300.

Bescheidenheit gewesen, dies selber abzulehnen. Allein Turgot war in dem soeben angeführten Satze einmal ausnahmsweise im Recht."[1]

Taken altogether, Dr. Oncken's Turgot is not reliable authority, scarcely so even for his own doctrines. But the real Turgot undoubtedly held, in 1759, the doctrines which were embodied in the Six Edicts which were promulgated in 1776. In the Eulogy Turgot says:

"M. de Gournay no more imagined that in a kingdom where the order of successions has been established only by custom, and where the application of the death penalty for many crimes is still given over to jurisprudence, the government would condescend to regulate by express laws the length and breadth of a piece of cloth, the number of threads of which it must be made, and consecrate by the seal of legislative authority four volumes in quarto filled with such important details; and besides this, statutes without number dictated by the spirit of monopoly, the object of which is to discourage industry and to concentrate trade in a small number of hands by means of the multiplication of formalities and costs, and by subjecting to apprenticeships and journeyman-periods of ten years, trades which may be learned in ten days; by the exclusion of those who are not sons of masters and of those who are born outside certain limits, by forbidding the employment of women in the manufacture of cloth, etc., etc.

"Nor did he imagine that in a realm subject to the same prince, all the cities should be mutually regarded as enemies, arrogating to themselves the right to interdict travel in their limits to Frenchmen designated by the name of *foreigners*, of setting themselves up in opposition to the sale and free passage of commodities from a neighboring province, and of thus fighting in behalf of a flimsy interest the general interest of the State, etc., etc.

"M. de Gournay concluded that the sole ends which admin-

[1] Oncken, *Geschichte der Nationalökonomie*, p. 313.

istration ought to propose to itself were, 1. To give all branches of commerce that precious liberty which the prejudices of centuries of ignorance, the readiness of government to lend itself to private interests, and the desire of a poorly understood perfection, have caused it to lose. 2. To open opportunities to labor to all members of the State, at least by exciting the greatest possible competition in the sale of goods, which would necessarily result in the greatest perfection in manufacturing processes and the most advantageous price to the purchaser. 3. To give at the same time to the purchaser the greatest number of competitors by opening to the vendor all markets for his article, the only means of assuring to labor its recompense, and of perpetuating production, which has no other incentive than that recompense." [1]

These doctrines, written hastily by Magistrate Turgot when he was thirty-two years of age, cannot be other than representative of the theories he had at that time evolved concerning the function of government in the economic organization of the State. Whether his views do misrepresent Gournay or not must be submitted to the same kind of study Dr. Oncken has begun; but antecedent probabilities are all against any misrepresentation of Gournay by Turgot. It is altogether probable that the economic doctrines of the *Éloge* do not represent the Physiocratic School of Quesnay, for the points of difference between Turgot and Quesnay are many and striking; but that is a study yet to be made, and immaterial here.

When Turgot was called to the Province of Limousin as Intendant, these were the doctrines he had in mind, and these were the theories of administration he was most anxious to put to the test of actual practice. When he was offered the less arduous Intendancy of Lyons in August of 1762, he writes a long letter to Controller-General Bertin, concerning the condition of Limousin, his own studies of local conditions

[1] Daire, *Œuvres de Turgot*, vol. i, pp. 268, 276.

and his hopes for the future of the province, and closes with these words:

"I believe, Monsieur, that you would not disapprove that, prompted by my personal interest, I should place before your eyes everything which concerns a work so important. I am dependent altogether on what concerns me in your views for the province where I am, and the aim of this long letter is to pray you to enable me to accomplish here all the good of which I believe it to be susceptible, and which alone attaches me to it. But, in case you believe you will be unable to assist me to succeed in this, then I must think of myself, and I pray you to ask of the King for me the Intendancy of Lyons. I have written to M. d'Ormesson somewhat in the same spirit. He fully understands all the labor which the conditions of the Generality of Limoges requires, and will be able to inform you fully."[1]

When thirteen years of most practical provincial administration had only served to deepen his convictions of the truth and relevancy of his theories, and he was summoned to the Council of the King, these doctrines became the definite objective of his administration, and from his first official act until the last, Turgot was unswervingly consistent in his devotion to these four cardinal points as set forth in the *Éloge:* 1. The simplest administrative methods compatible with efficient service; 2. Free trade in the necessities of life; 3. Free opportunity for labor for all who were capable and desirous of it; 4. Free industry as opposed to arbitrary monopoly of the various channels of industrial activity. These theories demanded the Six Edicts; the conditions of the State in all its parts needed the rigorous application of the doctrines; the political supremacy and financial independence of the sovereign, as well as the equality of economic opportunity of the subjects demanded it. It was to realize such beneficent ideals as these that the Edicts were

[1] Daire, *Œuvres de Turgot*, vol. i, p. 510.

issued, and through this have become unique among the historic documents of statecraft.

The objectives of the Edicts were general rather than specific; they looked toward general interests rather than to particular ones. Moreover, from what has been developed of the general conditions, and from the nature of the Edicts themselves, it is obvious that the primary objective was economic amelioration.

Largely because of interference by the general and provincial governments in industrial and trade relations, the mass of the people were always at or near the margin of starvation. The necessities of life were sure sources of revenue, for the people must pay the taxes assessed or starve. The multiplied restrictions laid on the distribution of such commodities as were produced from the soil were, as Turgot says of them, "beyond belief, were they not here before the eyes." Beginning with his first official enactment in September, 1774, Turgot issued, during the remainder of that year and in the course of the trying year which followed, twenty-three Edicts of the King, Writs of the Council, and various other declarations and letters-patent, all bearing directly on the freedom of the grain trade from its shackles throughout the interior of the kingdom. This policy found its culmination in the second of the Six Edicts which was designed to secure the adequate provisionment of the city of Paris. In the preamble of this edict, Turgot summarizes his whole free trade policy. To him, the interests of the government itself, of the producers, traders and consumers, all imperatively demanded that the government cease its attempt to improve on Nature's provisions, in man and in the soil, for the nurture of her children.

The government had never committed itself to the claim that the right of labor, *le droit du travail*, was the exclusive property of the prince, which the king might sell, and which the subjects ought to buy.[1] But the policy of government

[1] Daire, *Œuvres de Turgot*, vol. i, p. 306.

had, in fact, conformed to that identical policy. All channels of activity, with few unimportant exceptions, were sold to guilds who exercised a monopoly of their particular craft, and paid into the Royal treasury for the institution, confirmation and extension of their privileges. The loans they were compelled to contract to meet the exactions of the tottering Royalty, only served further to weaken the monarchy, strengthened the hold of the guilds upon it, and barred more effectually the door to employment and a means of livelihood to all except those favored by the craft-monopolies. Such conditions were as intolerable and unendurable as those which beset the grain trade; and the abolition of the whole guild system, taken in connection with the emancipation of trade in the necessities of life, was designed to open the way to honest appropriation of the subsistence brought within the reach of honorable industry.

It was through these economic solacements that Turgot sought to alleviate many social ills and to attain such social betterments as could alone serve as a substantial foundation for the perpetuation of the monarchy. It was clear to his mind, at least as early as 1759, that a kingdom divided against itself could not stand. The industrial heterogeneity of the nation, the mutual suspicions and hostilities of its several parts towards each other, its utter lack of political unity except in common endurance of the exactions of the monarch, and the complete want of a social and national consciousness, all these conspired to the instability of the whole political order. Attached with devotion and loyalty to the monarchy, the character of Turgot's legislation and his method of presenting it witness the sincerity of his desire to create a new and homogeneous France out of the distracting chaos of its severally distracted parts.

All his important laws, beginning with the one of September 13, 1774, were introduced by preambles couched in plain and direct language, setting forth the reasons which prompted the

King to enact the law. Circulating these documents widely, as if striving to reason with the public for whom and by whom alone the laws could be made effective, Turgot was plainly seeking to create a public mind. For in no other way could France be welded into a self-conscious state than by the creation and education of a public opinion pervading all classes; the laws of general scope and application were addressed to the reason of all concerned, and their concurrence tacitly solicited; and the constant appeal to justice and equity could not but quicken conscience within the body of the State. By this undisguised candor he sought to create behind the throne a political solidarity in its citizenship such as France did not at that time have, and such as she has not yet secured.

Such attempts as these are unique in the history of statecraft, and many nations which boast of their unparalleled freedom might well wish themselves free from the incubus of lobby legislation with its train of secret legislative concoctions and unsuspected "riders," and in the enjoyment of such a wholesome and practical referendum to the public mind and conscience as the device of this statesman in the *ancien régime*. And back of all these political, social and industrial objectives of the six edicts lay the further aim of moral culture both for the individual citizen and for the State. Turgot sharply arraigns the guild system in that it condemned to idleness and debauchery, to helpless incapacity and enforced prostitution, multitudes who might otherwise be self-supporting and contributing health, and not disease, to the life of the State. In like manner he condemned roundly the promiscuous billetting of troops, especially in rural districts where there was no escape from the moral contamination and debauch inseparable from that regime. As early as his first discourse at the Sorbonne, Turgot felt that a morally corrupt state was in process of extinction, and could not endure. He scrupulously avoids making the ulterior moral effects of the edicts conspicuous, but a mind "nervously conscientious," as his has been described,

religious beyond the religion of his time, could not fail to impress this sentiment on every public document emanating from his pen; and his persistent address to the conscience of France was, perhaps, the best emphasis that could be given to his thought.

His appeal for public morality was not so disguised. The complicated methods of government, the surrender to private interests, the petty details to which the majesty of the law was prostituted, the farming of taxes and the monopolies of labor and of trade, all afforded rich incentive to dishonesty in administration. In the Memoir to the King, referring to the third edict, he flatly accuses the farmers of the taxes on fish and sea-food of blackmail and bribery. The whole scheme of simplification of the revenue system of the government had in view the two advantages of more adequate revenue and the elimination of vexations from the tax-payers and of rascality from the administration.

CHAPTER II

ANALYSIS OF THE MINOR EDICTS

THE long period of preparation was ended. Economic principles which satisfied at once the reason and the conscience, which were advantageous to ruler and ruled alike, had been evolved and elaborated; they had been tried in provincial government for many years; they had been set on foot in the general government for sixteen months, and more portentous reforms impended. The parlements had been recalled from their long exile, and the dramatic "third act" of the *ancien régime* was fitted for the climax. In the head of her chief administrator lay the economic French revolution;[1] if France would endure it, her redemption might be wrought out peacefully; if she refused the proffer at his hand, sterner measures would not be long in maturing.

In February, 1776, Turgot communicated Six Projects of Edicts to the King, Louis XVI, with an explanatory Memoir designed to acquaint the King with the general purport of the legislation. Two of the Edicts dealt with conditions throughout the realm and were general in their scope; the others had to do with conditions peculiar to Paris, but typical of general conditions.

The two, which we have styled the major edicts, were of direct bearing on the political and industrial constitution of the State, and encountered the most determined opposition. The minor edicts, in their application, came within the immediate jurisdiction of the parlement of Paris, and the two of national

[1] Jaurès, *Histoire Socialiste*. In the first chapter of this work the economic causes of the Revolution are admirably discussed.

scope came before the same body in its representative capacity. The edicts were submitted by the King to his Council for their judgment. The Keeper of the Seals, M. Hue de Miroménil, voiced the judgment of the majority of that body against but one of the edicts, that abolishing the corvée of hands and animals, and replacing it with a tax on owners of land, privileged and non-privileged alike. This latter phase of the edict was its distinctive feature, and the ground of the opposition to it. The edict abolishing the guild system throughout the kingdom was the one on which the parlement centered its strongest opposition. The minor edicts abolished the restrictions of the district of Paris on the grain trade, abolished certain offices in connection with the port and markets of the same city, abolished the Bourse of the cattle market of Poissy, and changed the form of taxes levied on the trade in suet in that city. The whole of them bore directly on industrial and administrative conditions, on freedom of trade, and on economic privileges.

I. *Suppression of traffic regulations in Paris on grain.* In the Memoir to the King, Turgot explains the length of the preamble to the edict by saying: "It is absolutely necessary to set before the mind of the public the details of the rules abolished, in order not only that they may be suppressed, but that their absurdity may become apparent. So long as these rules remain in obscurity there will never be wanting those who will cry out, as has been done again and again in addresses to the Court, that *these rules are the fruits of the sagacity of our fathers ripened by experience.* Hereafter it will be unpleasant to place these lofty words by the side of the text of the rules themselves faithfully reported in the preamble."[1]

After recounting to the King some of the efforts of the preceding months in behalf of freedom of trade, and referring specifically to the abolished restrictions at Bordeaux, Rouen and Lyons, he says: "But the most vexatious obstruction and the

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 246.

one most difficult to overcome is found in the city of Paris and its district. It is necessary to succeed here or to renounce forever the hope of having trade in grain to prevent famine."[1]

In the same document he refers to these rules as follows: "These regulations could not be believed to be so absurd as they are were they not before the eye; they cannot be executed; were they executed they would reduce Paris to a subsistence of less than eleven days; they are, nevertheless, an obstacle which prevents establishing trade in grain in the city of Paris, because they are a sword constantly uplifted, with which the magistrates can strike down, ruin and dishonor at their will traders who may displease them, or whom popular prejudice may denounce. These rules are a title authorizing the magistrates, in time of famine, to make a show of their paternal solicitude, and give to them, as protectors of the people, the right of search in the houses of laborers and traders; in short, it is a kind of authority always precious to those who exercise it. Thus, despite their absurdity and habitual non-execution, these rules have been prized always by Chief Magistrates and Parlement."[2]

In the preamble to the edict Turgot cites the origin of these rules in centuries when there was no trade and the principles of commerce could not be known; he recalls the Ordinance of February, 1415, renewed by a decree of August 19, 1661, which forbade the storing or removal of the sacks of grain or flour arriving by land, the unloading or storing in granaries, and even under awnings, of the same commodities arriving by water; the accumulating of any store of grain, and permitting it to be stopped where purchased, at port of lading or on the roads by whichit might arrive. By the same ordinance of 1415, merchants bringing grain to Paris were obliged to sell before the third market day passed, on penalty of being compelled to sell at the lower price of an earlier market day; and the decree of 1661, and a Police Ordinance of March 31, 1635, after having

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 245. [2] *Ibid.*

taken from all merchants the right of making any purchase in Paris, forbade in like manner all bakers to purchase more than two hogsheads of wheat at a single bargain. Of this Turgot says, "The same policy, by its contrary restrictions, forced the sale and forbade the purchase."

The district of Paris included a circuit having a radius of thirty miles from Paris as a center. By a decree of 1565, and Police Ordinances of 1622 and 1632, the transportation of grain through this district, or from points within to any point without, either by land or water, was prohibited on pain of confiscation and fine. Thus the provinces lying contiguous to this district were cut off from any possible exchange of commodities, regardless of famine and destitution. This order was first changed by Turgot in the year before the Six Edicts were published.

An Edict of 1672, confirming the ordinance of 1635, forbade merchants who had begun the sale of a cargo of wheat to increase the price, under any pretext; enjoined that all sales of grain brought into Paris should be conducted by the owner in person, or by some member of his family, and forbade the employment of brokers.

The Edict of 1661 prohibited wagoners from selling grain along their route, and even from untying the sacks, on penalty of confiscation and fine; and compelled all who carried on trade in that commodity in the city of Paris to submit their invoices to Notaries, Officials of Grains, and to have them transcribed in public records. Turgot's summary of these rules is terse and pointed:

"It is by such rules that it was deemed most fit in other times, and almost to our day, to provide the subsistence of our good city of Paris. The *négociants*, whose function is that of necessary agents of circulation, and who carry abundance unfailingly wherever they find liberty, security and markets have been treated as enemies who must be harassed on the way and loaded with chains when they arrive; the grain they bring to

the city cannot be taken out; but they can neither keep it nor protect it from the ravages of climate and corruption; they are forced to hasty sales; they are estopped from making purchases; the merchant must sell his grain by the third market day or lose control of it; the purchaser can provide for his wants only slowly and in small quantities. Diminution in prices brings a loss to the trader, their increase can profit him nothing; the grain merchants, dismayed by the rigors of the police are, moreover, devoted to the hatred of the public; the trade is oppressed, slandered on all sides, and driven from the city; a district twenty leagues in diameter divides provinces of greatest abundance from each other, and from our city; and yet all precautions were interdicted in the interior of the city and the outskirts; they seem even to have conspired against future harvests by requiring that the laborer quit his work to follow his grain and sell it himself."[1]

The preamble goes on to show the disastrous famine effects of this sort of legislation. Twelve separate years of famine are cited as proof of the ineffectiveness of legislation, such as this, to provide abundance, and the necessity of practically ignoring the laws against storage and purchase in order to maintain life in the city. He further argues:

"But the non-execution of such laws is not sufficient to reassure the trade which their existence constantly menaces; it has not recovered its functions; the government, being unable to rely upon it, believes it necessary for it to proceed by itself to procure the provisionment of the capital. It is found that the precaution, supposedly necessary, involves the greatest possible inconvenience; that trade conducted under its orders admits neither the extent and the celerity nor the economy of ordinary trade; that its authorized agents bring alarm and sudden rise in prices in all the markets where they appear; that, by reason of their function, they commit many abuses; that operations of this kind, effecting the discouragement

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 218.

and ruin of ordinary trade, enormously increase the expenses, and by consequence overburden our subjects who supply the funds, and finally, that they do not accomplish their purpose."[1]

The closing paragraph of the preamble sets forth Turgot's desires and hopes. "We have no doubt," he says, "that commerce, delivered from all encumbrances and encouraged by our laws, will provide for all the needs of our good city of Paris. Therefore a constant abundance and just prices for the necessities of life ought to be the consequence and effect of the reform of a vexatious police, of the protection we accord to trade, of the freedom of communication, and finally, of the absolute immunity from all taxes which increase the price; and the good we shall accomplish for our subjects will be the most grateful recompense for the pains we take in their behalf."

The edict consists of thirteen articles, of which the first seven enact perfect freedom of purchase, sale, storage, method and time of bargain, carriage and circulation of grain in the city. Articles VIII and IX abolish the tax on wheat, mixed grain (*méteils*), rye, flour, peas, beans, lentils and rice. Article X provides for the retention of the taxes on oats, malt, and grain and grain products other than those expressly freed. Articles XI and XII provide for the collection of taxes for the wages of employes of the market and for indemnity due the prevost of merchants. Article XIII annuls all laws contrary to the provisions of the edict just published.

The details of this legislation in behalf of free trade are indispensable to a proper understanding of Turgot's theory of free trade. As the traditional appeal to Nature and to Natural Law was a negative appeal,[2] a protest against what existed and an appeal to a more or less vague ideal of what Nature intended should be, so, in a most emphatic sense, was Turgot's

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 219.

[2] Ritchie, *Natural Rights*, chapter i.

appeal for free trade a consistent appeal to the reason against the unreasonable course of contemporary legislation and its palpably disastrous effects in all human relationships. Dr. Oncken states the case in language which can not be improved: "Turgot erkennt nur zwei Systeme überhaupt als möglich an, einmal das 'système des prohibitions,' welches in den 'siècles d'ignorance' geherrscht hat, und sodann das 'système de la liberté,' welches sich in der Gegenwart emporringt, und das die 'vrais principes de l'humanité eclairée' umfasst. Das eine ist absolut falsch, das andere ist absolut wahr; ein Mittleres giebt es bei ihm nicht. Wiederholt betont er, es handle sich nicht darum, das Schlechte zu verbessern, sondern es zu zerstören."[1] Dr. Oncken goes on to say that in all these points Turgot was as little in accord with Quesnay as with Adam Smith. He had already said of Gournay, "The free competition indicated by him was something entirely different from that of the school of Quesnay and by Turgot himself."[2] He refers to this former conclusion and says, "Man sieht, das sind zwei ganz verschiedene Anschaungsweisen, und man kann somit in der That sagen, dass Turgot ebensowenig ein echter Schüler Quesnay's gewesen ist, wie wir ihn oben als einen solchen Gournay's erfanden."[3]

Now to undertake a criticism here of Turgot's intellectual antecedents and relations with Quesnay, Gournay, and Smith, would lead us altogether too far afield from the exposition of Turgot's doctrines. What is sought to be established here is that Turgot was confronted by conditions which were a constant torture to his sense of justice and humanity; his sense of the functions of government revolted at the thought of legislation which had no other effect than bringing misery upon the people. Free trade had never been tried, as he sets forth in the preamble of this edict. He thoroughly believed that this program was "absolute truth" as its opposite was "absolute

[1] Oncken, *Geschichte der Nationalökonomie*, p. 464.

[2] *Ibid.*, p. 306. [3] *Ibid.*, p. 465.

error." To compromise truth with error for the sake of economic privilege was something impossible to him.

Turgot was not confronted during his life with the economic factors known as the factory system and industrial capital, in the modern scope of that term. He could have known nothing of the characteristics of industries of increasing or of decreasing returns. In his letter on The Brand on Iron he discusses these same principles in their bearing on industries protected by government, and Mr. Stephens misses the mark in his conclusion of Turgot's positions as badly as Dr. Oncken does in most other respects. Mr. Stephens says, with something of true Cobden heat, "It is astonishing in how deep an ignorance of moral and economical principles nations calling themselves the most enlightened still remains on these 'native industry' questions. In Turgot's letter, written 120 years ago, the reader will observe that its arguments and its illustrations are as literally true now against the miserable protectionist fallacies circulated by the Republican party in the United States as originally they were against the narrow views of M. Terray."[1]

Now, Mr. Stephens has written a very acceptable book on Turgot, and that superfluous fling at politics he does not understand, misrepresents Turgot as badly as anything Dr. Oncken charges in his numerous indictments; it is unfortunate that the author should seek to make Turgot champion his notions of national policies.

Turgot had but one purpose in view—to save France from the consequence of wild economic policies. His theories were begotten of the conditions environing him. Free trade to him was no party shibboleth or symbol of partisan politics; it was the release of the people of France from a wretchedness which, if it could be at all adequately described, would be most unpleasant reading. Government interference in economic relations prevented any national amalgamation of its parts and

[1] Stephens, *Life and Writings of Turgot*, p. 74.

wrought havoc in social, industrial, moral and administrative activities. Turgot's free trade meant freedom from this brood of vexations which were fast bringing destruction upon his fatherland. Any interpretation of Turgot's attitude toward free trade which fails to take this phase of his thought into account will by so much be erroneous and misleading.

The beginnings of the agitation of free trade were part of the intellectual inheritance of Turgot and his contemporaries received from Vauban and Boisguillebert. The intellectual development of the age could have no other effect than to call before the bar of reason the vices of arbitrary interference in the free circulation of grain. The verdict, moreover, was grounded not so much in pure idealism as in the profound conviction of the causal relations which the laws of the State sustained to the wide-spread misery of the people. Food was withheld from the people, kings profiting by private speculation in grain stored for famine prices; trade was throttled, and lands which might have produced grain were left fallow or turned into vineyards;[1] and when the fury of the people found vent in bread riots and they demanded cheap bread from the paternal government, they asked the impossible, and their hatred for government grew the deeper. When there was abundance in one province, citizens of famine-stricken provinces could not share that abundance by going to it or by importing the wheat, so strict were the rules against *foreigners*. Prices were arbitrarily fixed, and were always abnormal.

The specific reforms contemplated looked to the whole of these conditions. Markets, open and unrestricted, were offered to traders; the care and carriage of grain with government intervention was assured; abundance might be brought from afar to meet the needs of a people, who only the year before were invited to eat grass when they made hungry appeals for bread. This normal demand for grain and its free circulation of grain could not but stimulate production. The modern

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 253.

peasantry of France realizes the ideal which Turgot sought to establish.

11. *The Suppression of Offices connected with the Port and Markets of Paris.* The enactment of free trade in grain carried with it, as a necessary consequence, the suppression of a multitude of offices which had served in connection with that trade. In the interests of simpler, less costly and more efficient administration, Turgot took advantage of the opportunity to suppress along with them a multitude of offices which had been created and sold at various times when the State was sorely pressed for money. The taxes alienated to the offices were almost wholly consumed before reaching the royal treasury in any part. The taxes became effects of the offices and, based on the product to them, the holders of the offices, united in a guild, frequently borrowed money to meet new exactions from the Crown or to meet their own needs. In connection with the administration of these offices Turgot naturally found indisputable evidences of rank corruption.

The official fishmongers fixed the price of fish sold. The taxes were based on the selling price of fish, and the officials, taking into their confidence certain hucksters, lowered the nominal price to the point of extinguishing the taxes, sold the fish at higher prices through the hucksters, and divided with them their ill-gotten gains. They were profiting by filching from the government and by the excess of price divided with the hucksters. Their dishonesty in fixing the selling price of fish had nearly ruined the fishing industry.

When the offices were sold, the individuals buying them paid one-seventh of the price in cash, if they had been holders of like offices before, and one-sixth in cash, if they were new *titulaires*. In abolishing the offices Turgot provided that the officials should be repaid in cash only that part of the price which they had originally paid in money, and that they receive credits bearing interest for the balance. All profits accruing

from the recovery of the taxes into the hands of the king, as well as what was saved through the cheaper administration of the taxes, were designed for a sinking fund for the ultimate extinction of the credits held by financiers in the shape of mortgages on the offices, and for paying in full the price which the holders had paid for the offices.

The last paragraph of the preamble shows Turgot's plans of administrative reform. He says: "The interests of our subjects require that the taxes heretofore alienated to these guilds be henceforth reunited in our hand and administered under our order, in order that, pending the time when the state of our finances will permit us to cease collecting them altogether, we may have at least the best opportunity to make them less annoying by effecting in them such modifications and reductions as would be impossible if the existence of offices, continued in active exercise, furnished pretexts to the holders to disarrange, by demanding indemnities, the plans we purpose to adopt for the greater advantage of our people."[1]

The edict consists of eight articles. Article I abolishes all the offices in connection with the port, quays, stalls and market of Paris which were created by the edicts of January, 1727, and June, 1730, and prohibits the officials and their employes from further exercising the functions of the offices. Article II excepts from the provisions of the preceding article, the various offices connected with the wine trade and which had been combined "in the domain and patrimony of our good city of Paris," by a declaration and edicts in 1733, 1741, and 1744. Article III provides for the collection of the taxes by the highest bidder for the government taxes, instead of by the officials whose offices are abolished. Article IV provides for repaying to the officials in cash the one-sixth and one-seventh respectively of the finances of the offices which they had originally paid in money, and in mortgage credits drawing four per cent. interest for the balance. Articles V and VI

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 301.

provide for the payment of all arrears on profits due by the guild of officials, for the extinction of the debits contracted by them, and lastly for the extinction of the credits issued to them in liquidation of the offices. Article VII reserves the right to suppress, to simplify or to modify the taxes which may be found burdensome either by reason of their nature or because of the formalities required for their collection, and for providing by some other branch of the revenues for any deficit from the taxes remitted. Article VIII annuls all legislation contrary to the provisions of the present edict.

III. *Suppression of the Bourse of Poissy.* The opening words of the preamble of this edict throw a suggestive side-light on the fiscal policies of the *ancien régime*. Turgot says: "It not infrequently happens, in the necessities of the State, that it is sought to adorn the taxes, which must needs be imposed, by some pretext of public utility. That subterfuge, to which the kings, our predecessors, sometimes believed it necessary to resort, has rendered the taxes, the genesis of which it marked, most onerous. One of its results has been that the taxes have endured long after the need which had been their initial cause, because of the apparent utility by which they were disguised, or that they have been renewed under a like pretext that they might foster various private interests." [1]

In 1690 it was held that the cattle-men who brought cattle to the markets of Paris were compelled to submit to delays and losses by the butchers to whom they sold, and that this condition of affairs was injurious to the trade and prevented abundance of cattle for provisioning the city. To meet this imaginary condition, sixty *jurés-vendeurs* of cattle were appointed, whose duty it should be to pay cash for the cattle brought in and collect from the butchers one sou per pound additional on the price of meat sold. So great was the complaint from the trade that this experiment was abolished after

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 316.

three months. Seventeen years later, the royal treasury being again in straits, the same scheme was again resorted to, and one hundred Treasury-Counsellors of the Markets of Sceaux and Poissy were created, with similar duties. As soon as peace was restored the plan was again abolished. But in 1743 the same institution was recalled into existence, to have daily oversight of the markets, to advance the sale price of drovers for all sales made to butchers and other solvent merchants, and to collect one sou per livre on the price of all sales, whether the officials had made the advance in cash or not; the period of credit was limited to two weeks, with the right of corporal constraint in the third week. In 1747 an additional one-fourth sou per livre was added to the former tax, and continued in force by letters patent of 1755 and 1767. The pretext of the tax was in all these instances to lower the price of meat for consumption and to encourage the stock industry in the provinces.

Turgot charged that this tax which raised the price of each animal more than *fifteen livres* did not fail to raise the price of meat in the markets instead of lowering it; it cut down the legitimate profits of the breeders, discouraged the industry, and destroyed the very abundance it sought to assure. In its effect on the marketmen, he says: "It is no less contrary to every principle of justice that wealthy butchers who are able to pay their bills in cash for themselves should yet be compelled to pay interest on an advance they do not need; and that butchers who happen to be in less easy circumstances, and to whom credit is refused on the ground that they are not solvent, should also be compelled to pay interest on an advance not made for them at all."[1]

The condition of the government's finances would not permit the entire sacrifice of the whole amount represented by this tax, and Turgot provides in the edict for partially compensating for it by additional taxes on live-stock and meats on their

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 318.

entry into the city. This plan, which involved no additional expense for collecting the tax, would at once relieve the people of about two thirds of the tax they were paying under the régime of the Bourse of Poissy, and would at the same time produce a greater net revenue to the Crown. But the freedom of the trade, the encouragement it should give to production, and the natural abundance which had always been produced when trade restrictions were withdrawn, Turgot affirms, are the greatest benefits which the subjects would gain from this act of their sovereign.

The edict was so obviously just and advantageous to all, that it alone of the six edicts was promptly registered by the parlement.

In eight articles the edict provides for: 1. The abolition of all duties on live-stock and meat, collected on the markets of Sceaux and Poissy; 2. The schedule of taxes on each head of stock and each pound of dressed meat entering Paris; 3. The exemption of the new schedule from all accessory or supplemental duties and claims; 4. The suppression of the Caisse de Poissy, and cancels the lease of Bouchinet and his sureties, while extending to him the accustomed rights and privileges in collecting such sums as he may have advanced before the execution of the edict; 5. The enactment of freedom of time, place and conditions of bargain between foreign drovers and the butchers, and equal opportunity to any and all to loan money to butchers on terms mutually agreed upon.

IV. *Changes on taxes on suet.* The last of the edicts had for its object a care which had caused the government anxiety and concern for more than two centuries. The administration had taken "imaginary precautions," as Turgot styles them, to provide the abundance and cheapness of a substance which was of such immediate and pressing need to the people. They depended on the supply of tallow and suet for their lights, and needed it in less degree as an article of food. In 1567 and 1577 rules were promulgated, which were maintained by later decisions and writs, all looking to the assurance of this

necessary commodity in suitable quantities; and these provisions reflect the unique ideas of the period concerning economic legislation.

The butchers, who collected the suet and tallow from the animals they killed, might render the suet, but were denied freedom in selling it; the chandlers were organized into a guild, and they alone could buy from the butchers at a uniform price, and on certain specified days when the suet must be exposed for sale and division among the master chandlers. Heavy import duties were laid on the commodity, and as a result, no suet was consumed in the city except what was secured from the animals killed within the city walls. In 1768, Louis XV. moderated the import duties in favor of the guild of master chandlers, permitted them, as a guild, to import suet, and made it subject to the same rules of division and sale as were applied to that produced within the city. As part of his general scheme against the guild system, and because the old rules had proved to be directly contrary in effect to the ends sought, Turgot decreed by this edict, which was in the form of letters patent, the abolition of the guild and the destruction of the effective monopoly it exercised against the community in this branch of trade.

This edict also is in eight articles, the first of which enacts full freedom of butchers to sell and chandlers to purchase at such times, places, and in such quantities as seem good to them; Article II abolishes the tax of one sou per pound on the sale of suet in Paris; Article III compensates for the amount of that tax by a moderate additional tax on the entrance of animals into the city; Article IV exempts the tax from all accessory and supplemental duties and claims; Article V reduces the tax of entrance on suet to six deniers per pound of tallow or suet; Article VI abolishes all additional taxes on the entrance of foreign suet into the city; Article VII provides for the collection of the taxes by the regular channels, and Article VIII annuls all rules and laws contrary to the provisions of the edict.

CHAPTER III

ANALYSIS OF THE EDICT SUPPRESSING THE CORVÉE

I. *Principles*

As already pointed out, two of the Six Edicts dealt with conditions throughout the kingdom and were of national scope and application. Turgot himself regarded the abolition of trade restrictions on the grain traffic as the most important of them all, and looked upon the overthrow of the guild system as second to that. To the privileged classes of the kingdom, however, the Edict abolishing the corvée was the most sinister in all of its aspects, and the most detestable. The corvée in itself was comparatively unimportant in their eyes; the tax by which it was to be replaced was the first open attack by the reform Minister on the economic privileges which in his mind were largely responsible for the ruin of the State. And the issue was sharply joined; so sharply, in fact, that writers on that epoch have been compelled to take sides, either favoring or opposing the views elaborated in the preamble of the edict, a non-committal view being well nigh impossible. In addition to the conservative and well-balanced judgments to which Mr. Ashley adverts, the conclusions of M. Levasseur should be emphasized; few writings appeal to the reader with a more obvious sense of fairness than his.[1]

The best commentary on the principles involved in the edict are found in the elaborate observations made on the preamble and on the several clauses of the edict by the Chancellor, M. le Garde des Sceaux Meromênil, and the even more elaborate

[1] Levasseur, *Histoire des Classes Ouvrières avant 1789*, pp. 608, 635 ff.

counter-arguments by Turgot. Mr. Stephens quotes briefly from this most instructive controversy, but inasmuch as his work is intended more for popular reading than otherwise, he felt free to take wide liberty, on occasion, with the text and to omit the parts of the discussion which are of the most value to the student of history and of economics, Dr. Oncken complains of the "Schulmeisternatur" of the author which is obvious in the preambles of the edicts and which is displayed by them "in a drastic light."[1] But the scrupulously careful Doctor fails utterly to take note of this most comprehensive and adequate defense of his positions by Turgot. And this document, taken in connection with the Memoir, especially that part already quoted, shows that Turgot had not underestimated the weight and power of the opposition, as some of his critics aver, nor was he the enthusiastic "Wundermann" or embodiment of "übertriebener Doktrinarismus"[2] which Dr. Oncken conceives. History shows the truth of his forecast of the revolution close at hand; what was done to avert it must be done quickly, uncompromisingly, and thoroughly. And that Turgot had weighed the pros and cons of the immediate situation appears from an impartial study of this controversial document and the preamble which gave rise to it—a study vastly more profitable than a critical study which ignores them entirely.

With the good-hearted but relatively impotent Malesherbes, Turgot stood alone in the Council for these radical reforms. When the king submitted the edicts to the Council, Meroménil wrote his shrewdly worded protest in the form of observations which, said he, "are less designed to oppose the edict (abolishing the corvée) by open contradiction than to discuss, according to its merits, so important a matter." The manuscript containing these observations was submitted to Turgot in turn, and the whole field of economic privileges

[1] Oncken, *Geschichte der Nationalökonomie*, p. 449.

[2] *Ibid.*, pp. 446, 457.

accorded to the nobility and the clergy was gone over in the course of the debate.

The corvée was a device for building roads, very similar in many of its features to the road tax imposed in many of the states of this country for this same purpose. During the later years of the reign of Louis XIV, according to Turgot, when an occasion arose demanding speedy transport of munitions of war, the peasants were drafted to compulsory service in making suitable passage for the army supplies. There was neither money nor time to make the roads otherwise. Certain intendants of provinces subsequently made use of the means which had met this first emergency, when some roads had been built, others were projected, and by degrees the custom became general, and was officially recognized in 1737 by Controller-General Orry, in letters of instruction to the intendants, on drafting the peasants of a neighboring district for fifteen days' labor, without compensation, and at their own expense for living during that time. The length of time allotted for the work did not permit of any great advance in the making of roads, which were necessarily constructed in separate fragments, and by the time the occasion returned for drafting a new corvée, the roads which had been built were frequently in such dilapidation that the cost of repair amounted to a large part of the original cost. Moreover, as the corv e was levied on draft animals and carts, as well as on the peasants themselves, work in the fields was necessarily stopped during the absence of the laborers, their families were left to shift for themselves, while the ignorant peasants were doing a work in which they had no interest.

In the preamble to the edict abolishing this custom, Turgot sought to establish but two points concerning it. He held that the corvée was an economic waste, incomparably more costly than the same work done by contract and for a money consideration; and that aside from this loss to the state, it was essentially unjust in principle. The class of workers subject to the draft were those who were already on the margin of

starvation because of other wild fiscal and industrial policies of the administration; they were driven to work for something from which the owners of land chiefly profited, and in which they themselves had no hope of profit or advantage. From his own experience in Limousin, Turgot assures the king that nothing more cruel is laid on the people than this exaction. It robbed those who had only their hands whereby to support themselves and their familes of their sole means of subsistence; it inevitably took laborers from work in the fields which no amount of compensation could make good; it was a variable charge that no farmer could forecast in stipulating the terms of his lease from the proprietor, and added infinitely more to his burdens than it gave in profit to any one, least of all to himself. But the roads were a public necessity; for the development of the country, for the safety and security of travellers, for the use of the state itself in times of peace and war; every incentive moved the state to provide for the building of the highways. Could the state continue a custom at once so costly and so unjust? Obviously not, thought Turgot, if any other means could be provided which would be at once cheaper and more equitable.

For ten years, in the Généralité of Limoges, he had pursued another policy, with the written consent of the Controller-General, and in that time he had constructed more roadway than had been built in the preceding forty years, and the roads so built were durable. With experience behind him, Turgot saw the way to make general throughout the kingdom the policy of his province. He would abolish the corvée, and build the roads by contract, with the general government and public contractors as the parties; he would have each intendant report yearly on the amount of highways to be built in his généralité; all the reports would be considered in the Council, a definite amount let for each district, copies of the contracts deposited in public places in the Court of Parlement, in the Court of Aides, and in the Bureaux of Finance in the different

généralités. These contracts being open to public examination would serve as a check on the government, and all might know whether the sums accumulated for the purpose were being expended according to agreement. The amounts of the expenditure would be assessed on all owners of land, inasmuch as they were the ones immediately profited by this expenditure of public money; they would have immediate return in the way of increased value of the property, their commodities would be brought within easy reach of more markets, assuring better, quicker and more profitable sales, and, by consequence, larger returns on the lands benefited; and this facility of market could not fail to stimulate agriculture and to bring further immediate profits in the way of larger rents for their lands. The program looked simple enough. It was reasonable. It was just.

But Turgot had not been a public character for more than twenty years without knowing the people with whom he had to deal; he knew well enough that the reason and justice of the thing would in no way free it from a most determined opposition. In the Memoir he writes to the king: "The tax is susceptible of difficulties; but when a thing is recognized as just, when it is an absolute necessity, it must not be withheld because of difficulties: they must be overcome."

"The first of these difficulties consists in the repugnance which the *privilégiés* in general feel toward submitting themselves to a charge, new to them, which the *taillables* have alone borne heretofore."

"All those who have to deliberate on the registration of the law are *privilégiés*, and one cannot flatter himself they will all be above that personal interest, which is not, however, widespread. It is probable that that motive will secretly inspire a great part of the objections which they will make. It will in no way be surprising if many publicly avow that motive, nor even if they find plausible and specious excuses to give it color. The solution of that difficulty lies in Your Majesty's

justice and in his warm desire to execute what is dictated by that."

Turgot had counted the cost. He knew as well as modern statesmen the force and power of greed which had been taught to fatten at the public treasury. But he counted confidently on the justice of his position to win its way ultimately with the public opinion he was seeking to create, and as confidently depended on beneficent authority to stand with him during the crucial period which must elapse before the power of the public mind could make itself felt.

II. *Criticisms and Defense.* Interest in his discussion with Chancellor Miroménil centers not so much in the fallacious arguments brought against the course mapped out by the edict, as in the logical grounds, built upon history and individual experience by which Turgot justified his course.

After discussing the origin of the custom of the corvée, the Chancellor argues that Turgot's predecessors in office, MM. Orry and Trudaine, must have preferred the corvée to the tax for four reasons: 1. That work on the roads could be adequately done, whatever the quality of the laborers, if the engineers and their employes gave close attention to the use of materials, etc. 2. That even if a greater number of days' labor were required by the corvée, when the roads were once built, the work of repair would require but a few days in each year. 3. That the corvée labor could be assigned to times of the year when the peasants were least employed, and thus be made less burdensome. 4. That all its evils might be mitigated by carefully apportioning the labor among the parishes and providing that laborers be not summoned from too great a distance. "It is to such matters," says Miroménil, "that MM. the Intendants should devote themselves, as they notably have done, in the généralités where that administration is entrusted to men who are active, vigilant, and exact." To which Turgot rejoins:

"In the four paragraphs just read, and in that which follows,

it is attempted to prove that it is absolutely necessary to continue the corvée, by avoiding a part of the inconvenience of that method which I have developed in the preamble."

"I reply that while it may be true that, with constant vigilance on the part of chiefs and subalterns, the corvée may be made tolerable, it will always be a very poor system of administration which demands perfect administrators. If the administrator is weak, or negligent, or blunders, who is it suffers? the people: who bears the loss? the State."

"No complicated plan can be carried out without great intelligence and great labor; then all complicated plans will generally be failures. Such a plan is the corvée."

"I reply, in the second place, that with the exception of a small number of provinces where the nature of the soil, the quality of the material, the number of inhabitants and the kind of police established in the community make the administration of the corvée a little more easy, it is generally impossible for the most active and best-intentioned administrator to prevent its abuse."

"As for the consideration that repairs will cost less than first construction, it may be replied that there is a long time yet for the building of new roads, and that according to the measure of their construction will the mass of repairs increase. Besides, it is precisely in the corvée for repair that the difference between the burden of the corvée and the expense in money is most striking.

"In the provinces where the stones were soft, as in the Généralité of La Rochelle, and le Barry, the cost of repairing the roads is one-half that of construction; in Limousin, where the stones are better, repairs do not cost above one-fourth of the first cost of the work, but I ought to add that initial construction for a money consideration is much cheaper than by corvée."

"As for the eminent qualities which *M. le Gardes des Sceaux* indicates as able, on the part of the adminstration, to

mitigate the régime of the corvées, I would ask if he flatters himself, if any one could flatter himself that he may find in all, or even in any considerable number of the provinces, many persons who are active, vigilant and exact, to whom he could with reason entrust the varied responsibilities?"

The Chancellor observes that the landowners, who seem at first glance to be the happiest and most opulent of the subjects of the king, are in reality those who bear the heaviest charge, and, when it is necessary to employ those who have nothing but their hands, supply the means of employment. To which Turgot characteristically replies: "M. Trudaine surely had no thought that proprietors, especially privileged owners of land, were the ones who bore the heaviest charges. He was profoundly convinced, and often said to me that, in the last analysis, all taxes fell on proprietors of land, either by way of increased expenditure or by decrease of revenue. He held that in common with all those who have studied into the nature and effects of taxation. But though the proprietor does feel the blow which ruins his farmer, it does not follow that the farmer is not more wretched than the master himself. When a post-horse falls, overcome by fatigue, his rider falls also, but the horse has the greater reason for complaint.

"The proprietors, by their expenditure, do furnish a livelihood to the men who have only their hands; but by their money the proprietors enjoy all the comforts of life. The day laborer toils and by his sweat ekes out a meagre existence. But when he is forced to work for nothing, there is taken from him even the resource of subsisting by his labor on the expenditure of the wealthy."

Chancellor: "Proprietors are not the only ones to profit by well kept roads. Travellers, *rouliers*, and even peasants who go on foot, profit equally: the travellers who cover more ground in less time and at less expense, the *rouliers* fatigue their horses less and use their coaches and carriages less; the simple peasant who goes on foot walks more easily on a smooth

road than on a rough one, and loses less time when obliged to go away from home. Consequently, the advantages of highways are distributed proportionately to all the subjects of the king."

Turgot: "Travellers do profit from the beauty of roads which afford them quick transit. The beauty of good roads attracts travellers and multiplies their number. These travellers spend their money and consume the commodities of the country, which always turns to the profit of the proprietor. As for the *rouliers*, their coach expenses are less in proportion as they are a shorter time on the road, and they save, further, their equipages and their horses. From that diminution of the cost of carriage results the facility of transporting their products further and selling them to better advantage. Thus, every advantage is for the owner of lands who sells his products more profitably."

"With regard to the peasants who go on foot, *M. le Garde des Sceaux* will permit me to believe that the complacency of walking on well-ballasted roads is no compensation for the pain of making them without wages."

The Chancellor then goes on to insist that all the subjects do contribute proportionately for the making of roads, inasmuch as the tax for bridges and culverts is paid by the proprietors. Turgot dismisses the question of the bridge fund as irrelevant, and insists that at best the tax mentioned is part of the second *brevet* imposed, together with the *taille*, and that the *privilégiés* who own and improve a great part of the territory of France are exempt from that tax. And then, replying to the argument that the farmer anticipates the taxes to which the land is liable, in fixing his lease and its terms, Turgot launches into one of his longest and most interesting arguments concerning the advantages possessed by the privileged owners of land, whether ecclesiastics, nobles, or those who enjoy the privileges of the nobility. He adduces eight specific economic advantages in the way of exemptions which the

privilégiés enjoy over the unprivileged owners and *taillables* without property. These points of advantage, being themselves summaries, are difficult to state more succinctly than Turgot himself puts them, and because of their historic and scientific importance, they are here given in his own language:

"1. Proprietors *ecclésiastiques*, Nobles, or those who enjoy the privileges of the Nobility, may be worth, exempt from every imposition of the *taille*, a farm of four *charrues* which ordinarily pays, in the environs of Paris, about 2000 francs in taxes. First advantage."

"2. The same *privilégiés* pay absolutely nothing for the forests, meadows, vineyards, ponds, enclosed lands which contain their *chateau*, of whatever extent they may be, and all without prejudice to the privilege of four *charrues*. There are wide districts where the chief production is from meadows and vineyards; there the Noble who controls these lands is exempt from all tax, which falls to the charge of the *taillable*. Second advantage, which is immense."

"I cannot refuse myself the opportunity of observing here that that privilege affords a strong incentive to put into meadow and vineyard a great quantity of land suited to raise wheat. The contrast of that legislation with the fear that liberty of trade in grain will deprive the realm of subsistence merits consideration."

"3. The Nobles pay absolutely nothing but the twentieth for the seigniorial incomes, the feudal tithes and all the profits of fief. These objects, which are but a minor matter in the vicinity of Paris, absorb in the distant provinces a very large part of the net revenue from land. Third advantage of the Nobles."

"4. In the provinces where it has been sought to establish the *taille* proportionately, it has been contrived to divide the tax between the *taillable* proprietor and his farmer or colon. In some provinces a half of the tax assessed on land has been charged to the farmers, under the name of *taille d'exploitation;*

the other half to the proprietors, under the name of *taille de propriété;* in other provinces the *taille d'exploitation* has been assessed at two-thirds and the *taille de propriété* at one-third. It happens from this that in these provinces, the Nobles, besides the exemption they enjoy on what they improve for themselves, enjoy the additional exemption of one-half or two-thirds of the taxes imposed on the lands they farm out or rent. Fourth advantage to Nobles."

"5. The Nobles are indeed assessed to the capitation, as the *taillables*, but not in the same proportion. The capitation is by its nature an arbitrary tax. It has been impossible to apportion it to all citizens otherwise than blindly. It was found convenient to take as the basis of it the lists of *tailles* which all were bound to pay. The capitation of *taillables* has become an accessory tax of the *taille*, and a particular list was made for the Nobles; but since the Nobles defended themselves and the *taillables* had no one to speak in their behalf, it happens that the capitation of the Nobles in the provinces is reduced to a most modest amount, whereas the capitation of *taillables* is nearly equal to the principal of the *taille*. It further happens from this that all the privileges granted to the lands of Nobles involve a proportionate privilege under the capitation, although, according to its institution, that last tax should be assessed to all subjects of the king according to their abilities. Fifth advantage of the Nobles."

"6. I have had some occasion to explain to the king the difference between the provinces where the lands are exploited by wealthy farmers, who make the advances of cultivation and are bound by a lease to give a fixed sum annually to their proprietors; and other provinces where, owing to lack of wealthy farmers, the proprietors are obliged to rent their lands to poor peasants who are in no position to make any advances, and to whom the proprietor furnishes beasts, the implements of husbandry, seeds, and whatever is required for their support until the next harvest; then all the products are divided

in half between the proprietor and the colon, who for that reason is called a métayer. That custom which has almost the force of a law, to divide the products in half, was introduced in a time when the *taille* and other taxes were not established; it was then advantageous, probably, to both parties; the proprietor could get sufficient profit from his land, and the colon could live and support his family in some sort of comfort. It is evident that when the *taille* and all other taxes came to fall on the head of the unfortunate métayer, all equality in the division was destroyed, and he was reduced to the greatest misery. His ruin was more or less complete according to the different degrees of fertility of the land, according to the greater or less expense required for cultivation, and according to the higher or lower value of commodities."

"In some provinces, particularly in Limousin, the misery of cultivators is such that, in spite of the law and privileges, it has become necessary for proprietors, even privileged, in order to find colons, to consent voluntarily to pay part of the tax assessed to their colons, and in this way to correct the excessive severity of the law."

"But it is be observed that this condescension of the proprietors being free, and all the law being against the colon, the proprietor indulges that kind of liberality to the precise point which is necessary to prevent his lands from lying waste, and that he puts on the cultivator every charge he can possibly bear without falling into despair and industrial impotence. Certainly the proprietors gain nothing by that state of affairs. They would be wealthier if their tenants lived in comfort, but they have at all events that advantage which comparative ease has over profound wretchedness. This is a sixth advantage of the privileged proprietors over the *taillable* cultivators. It must be confessed that the advantage to them is not so great as the disadvantage of the latter."

"7. The farmer and colon being the only ones on the rôle, it is against them alone that prosecutions may be directed;

they consequently must bear all the cost, all consequences of delays in payments, the seizures, sheriff's executions, collectors, in short, everything involved in the way of vexations and abuse in collecting a very heavy tax, often badly apportioned, and assessed on that portion of the people whose ignorance and poverty deprive them of all means of defence against every kind of vexation. This is still a seventh advantage of the *privilégiés* over the people; but as with the preceding one, it is much greater as a disadvantage to the people."

"8. It may also be regarded as another great disadvantage to the people, but truly without any corresponding advantage to the proprietor, that it is impossible for the farmer, when determining the conditions of his lease, to make any exact calculation of the charges it will, in his hands, have to bear, and of which *M. le Garde des Sceaux* speaks. It is well-known that the taxes of the *taillables* vary greatly, and much oftener by way of increase than in diminution. In case of war, the *taillables* must pay the tax known as *d'utensile* or *quartier d'hiver*. But to return to our subject, the corvée is not, of all of them, a regular charge; it varies each year; and when a new route is opened in a canton, laborers are often drafted to the corvée from parishes wherein it has never been known.

"These additional charges which come in during the course of leases, and for which no law authorizes the farmer to indemnify himself, wholly disarrange the plans which he may have made, and often work his ruin."

"I believe I have demonstrated that *taillable* taxes are a much greater charge to *taillables* than to proprietors who are not *taillables;* not but that it may be true also, as M. Trudaine says, that the proprietor always in the last analysis pays all the taxes; but even though he pays them, it is by a circuit foreign to the point of view which *M. le Garde des Sceaux* raises, and which I have been discussing. To follow out that circuit requires, for its full development, a long chain of reasonings which it is out of place for me to make here."

After this exposition, there follows a short colloquy between the Chancellor and Turgot which deserves to be quoted:

Chancellor: "Men who have nothing but their hands pay almost nothing in taxes."

Turgot: "That is the question, and it should not be a question in the matter of the corvée. Now, surely those who have nothing but their hands do contribute to that in the most exorbitant proportion. A man who has nothing on which to live, both for himself and his family, but what he gains by his work, and from whom is required fifteen days of his time during which he must work for nothing and with no provision for his sustenance, does contribute too much to the making of roads."

Chancellor: "The price of commodities cannot increase without the wages of laborers increasing also; and if the tax is put upon the proprietors alone it will be borne only by those whose *aisance* is the sole resource for assuring the subsistence of day-laborers."

Turgot: "It is doubtless very true (although the contrary does not fail to be insisted on when it is desired to make freedom of trade in grain odious) that the price of commodities cannot increase steadily without raising the wages of labor; but the proprietor begins immediately to be enriched, while the man who works by the day never has more than is necessary for his subsistence. It is the proprietor's comfort which assures to day-laborers not comforts but necessities; now, it is the one whose comfort is augmented by the application of labor to the roads who is really benefited by it, and who ought to pay for it."

Chancellor: "There is a strong probability that it was these considerations which led M. Orry and M. Trudaine to prefer the corvée of hands and of animals to a tax on proprietors. And in fact, careful and attentive reflection on them, perhaps, might cause the appearance of injustice in the corvées to diminish, if they would not cause it to disappear wholly."

Turgot: "I have already mentioned the reason which seems to have led M. Orry to prefer the corvée. I strongly suspect that he had another. The corvée could be established imperceptibly, and made to grow heavier by degrees on a people who did not resist, whereas it would be necessary to make public the project of a tax, to cause it to be registered, and to endure murmurings. We are in a more advantageous position to-day, inasmuch as the corvée, being wholly established and being recognized as excessively onerous and unjust, must be replaced."

After calling attention to some minor objections to the general policy proposed in the edict, the Chancellor contends that, as labor cost will increase in proportion to increased prices of commodities, there is danger that building the roads by contract may increase so as to retard the making of roads. To this proposition Turgot advances an argument which, taken in connection with another made a little later, states in compact and concise terms his theory of taxation. He says:

"If the increase of the cost of day laborers comes from the increase of the cost of commodities, which the proprietors will have in greater abundance, the tax will be less onerous. And what is said here of this expense is equally true of all the expenses of the king. If the realm becomes generally more wealthy, if there is more money, more capital, and greater activity in industry and trade, all the king's expenses will increase proportionately. Everything is dearer in France than in Poland, everything is dearer in England and in Holland than in France. If France, in proportion to its extent, were as wealthy as Holland, the people would surely be in position to pay taxes in proportion to the expense which the increase of that wealth made necessary, and no one would have cause for complaint."

"The policy of an administrator should foresee that case, and if at any time the order and regularity of a system of finance, which ought to be the first object of an intelligent

administrator, permits the king to fix, by an invariable law, the share of the tax in proportion to the abilities of the people and to the necessary expenses of the state, it would be wise to regulate by the same law the increase of taxes proportionately to the increase in the value of commodities. We are far from believing that that time is at hand, and it is vain to be occupied with it; it is improbable that the increase in the price of commodities, as an effect of the enhanced beauty of the roads, will be so rapid as to give us no time to reflect on the means to ward off that slight inconvenience."

Commenting on the one valid objecton to the tax, that the exigencies of the state may cause it to be diverted to other uses, and the people have no roads to show for the taxes paid for that object, Turgot remarks that having occupied so much space in the preamble to develop the precautions taken to forestall that course, he feels that further argument on that point is superfluous, but takes occasion to say: "I will add, however, one reflection, and that is, that the danger of using the funds for another purpose is not here a real danger, that the danger is altogether nothing if the corvée be not re-established. I believe that the actual barrier against that re-establishment of the corvée is the declaration which the king will make of his sentiments, in a preamble of the edict. But if there be any fear that it be re-established, I venture to say that the diversion of the funds becomes nothing more than a mere matter of terms. For example, suppose a war breaks out: all road work must be reduced to simple repair. Then the administration may take one of two courses: the one to continue the tax and to apply to the expenses of the war the excess of the amounts which has ceased to be expended on the roads; the other, to increase otherwise the extraordinary taxes which all wars cause to be established."

"I observe, first, that these two courses are, at bottom, indifferent to the people who, in the two cases, pay the same sums, and to whom the name of the tax is unimportant. I

think that the difficulty of instituting a new tax cannot be set up as an objection; that difficulty is always nothing in time of war, when imperious necessity sways and surmounts everything."

"But, if the choice between the two courses is in reality indifferent to the people, since it is not so in their opinion, since the change in destination of road funds disquiets and unsettles the public, and affords a most obvious basis for complaints and other representations, a minister would be the most maladroit of all men if he should prefer that course to one altogether easier and more open, to procure the same funds by a new tax; he would make himself odious and disgrace himself for nothing."

And in the next argument, concerning the diversion of the tax for bridges and roads, Turgot mentions the provision for depositing for public reference the schedule for each *généralité*, and resumes: "Now, is it credible that this deposit will not excite the liveliest complaints, if, during the preceding year the solemnly pledged destination of that tax had been violated? Is it credible that these remonstrances, so just in every way, would not be more dreaded by the minister than those which would oppose the registration of a new tax? Remonstrances and remonstrances, which ought he to prefer to endure? without question those to which he may oppose the peremptory reply of the inevitable needs occasioned by war, and not those which accuse him personally of bad faith, and which leave him no reasonable defense whatsoever. It is not really necessary to suppose the minister an honest man, it is sufficient to suppose him merely a man of good sense, to believe that he will prefer to diminish the road tax and to impose the same amount under another name rather than to divert that tax from its destination.

In commenting on article II of the edict, the Chancellor comes to the real point of his whole opposition to the edict. He says:

"I will not repeat here what I have said in my observations on the preamble of the edict, relative to the general inconvenience which may be found in the establishment of a territorial tax substituted for the corvée of hands and beasts; but I will observe that it may be dangerous to overthrow absolutely all those privileges. I am not speaking of those which are attached to certain offices, which I willingly regard only as abuses acquired for a price in money, but of the veritable privileges. And I cannot refuse to say that in France the privilege of the Nobility ought to be respected, and it is, I believe, to the interests of the king to maintain it."

Turgot shows himself thoroughly alive to the significance of this claim. In answering it, he goes into the most lengthy argument of the entire debate. In it he touches on more of his fundamental economic and political doctrines than in almost any other of his writings. The study and articulation of the doctrines developed in this argument are sufficient to refute many of Dr. Oncken's unfavorable comments on Turgot as a statesman and as a theorist. The doctrines herein developed, are the tested theories of a mature mind, launched in the face of the avalanche of protest from privilege and prejudice, and they deserve much more study and analysis, from this standpoint, than they have yet received. Bearing in mind all of Turgot's earlier experience with economic privilege and his inveterate hostility to it, the argument is interesting in its every sentence. Because of this supreme interest we shall quote this hitherto untranslated passage of several pages practically in full. Turgot says:

"M. le Garde des Sceaux seems to adopt the principle that, by the constitution of the State, the Nobility must be exempt from all tax. He even seems to believe that it is a universal precedent, dangerous to violate. If that precedent is universal, it must be that I have been strangely deceived in the character of thought of all the well-informed men whom I have met in the entire course of my life; for I am unable to recall any

society where that idea has been regarded otherwise than as an antiquated pretension, and abandoned by all intelligent men (*éclairés*), even in the order of the noblesse."

"That idea will seem, on the contrary, a paradox to the greater part of the nation whose interests it touches to the quick. The commoners (*roturiers*) are certainly the most numerous, and we are not yet at the time when their views are not to be reckoned with."

"Furthermore, the proposition must be discussed on its merits."

"If it is looked at from the side of natural right and the general principles of the constitution of society, it presents the most marked injustice."

"What is a tax? Is it a charge imposed by force upon the weak? That idea would be analogous to that of a government founded only on the right of conquest. Then the prince would be regarded as the common enemy of the society; the strongest would defend themselves as they were able, the weak would succumb and be wiped out. Then it would be altogether simple for the rich and powerful to shoulder every charge on the weak and the poor, and they would be very jealous of that privilege."

"That is not the idea one has of a paternal government, based on a national constitution whereby the monarch is raised above all in order to assure the welfare of all; where he is the depositary of the public power (*puissance*) in order to maintain the property of each within the land, by justice, and to defend it from attacks from without, by military force. The expenses of the government having for their object the interests of all, all ought to contribute to them; and the more one enjoys the advantages of the society, the more ought it to be held a matter of honor to participate in these charges. From this point of view it is difficult to make the pecuniary privilege of the nobility seem just."

"If the question is considered from the humanitarian side,

it is extremely difficult to congratulate one's self upon being exempt from taxes, as a nobleman, when one sees them snatched from the copper pot of the peasant."

"If one examines the question from the side of political advantage and national strength, it is seen from the first, that if the *privilégiés* are very numerous and possess a great part of the wealth; since the expenses of the State require a great sum, it may happen that that sum surpasses the faculties of those who remain subject to the tax. Then it must follow, that when the government is deprived of the means of defense which it needs, or when the people who are non-privileged are charged beyond their faculties, the State is surely greatly impoverished and weakened. A great number of wealthy *privilégiés* is, then, an actual diminution of the strength of the kingdom."

"Privileges in the matter of taxes are a further inconvenience, very prejudicial to nations, by the necessity they make of adopting poor forms of taxes to elude these privileges, and compelling the *privilégiés* to pay without their knowing it."

"It is because payment cannot be exacted from the Nobles and the ecclesiastics that their farmers and miserable métayers are compelled to pay. From this arises the fact that all the vices of apportionment of the *taille* and of the method of its recovery are perpetuated, although the whole world is apprised of the sad effects of them. It is in order to elude the privileges that taxes on consumption and on merchandise are multiplied; that the monopolies of salt and tobacco have been established, baleful because of the magnitude of the sum they cost the people, and because they procure to the king only an exceedingly slender revenue; more disastrous yet by the existence of a new army of smugglers and hawkers (*commis*) lost to all useful employments, engaged only in self-destruction by the murders and tortures which they occasion, owing, on the one hand to the allurements of fraud, and on the other to the necessity of repressing it."

"Privileges have produced these evils. Respect for the *privilégiés* has prevented any attempt to touch them; for how is it possible to suppress the tax on salt, how to suppress the monopoly of tobacco, if the clergy, if the ecclesiastics who pay the tax on these two articles of consumption cannot be subjected to what might be established by way of replacement? All that I am saying is an obvious truth, and is not, I venture to believe, disputed by any one who has reflected on the matter, without having his mind filled with personal interest."

"Does it follow that all privileges must be destroyed? No: I know as well as all others that it is always necessary to make the best possible of the situation; and that, if one should not disclaim all efforts to correct, little by little, the defects of an ancient constitution, he can only work slowly, in the measure that public opinion and the course of events make the changes possible."

"It would be absurd to wish to make the nobility and the clergy pay the *taille*, because, in the provinces where the *taille* is personal, precedents have attached to that tax an idea of degradation; but on the other hand, it would be a strange view in an administrator that he should wish to suppress the capitation and the twentieth, or even to exempt from them the nobility, on the ground that, in the ancient constitution of the monarchy, the nobles paid no taxes."

"I conclude from all this, that it is necessary to allow the privilege of the nobility, with respect to the *taille*, to continue as a thing established and which it would be unwise to change; but it is not necessary to be deceived by it, nor to regard it as a thing just in itself, much less as a useful thing. (I am ready to discuss by the hour the elements of utility which *M. le Garde des Sceaux* believes he sees in it.) Above all, I conclude that in conserving that privilege, it must be guarded from being extended to new objects; that it is necessary, on the contrary, to hold it close, and with care, within its present bounds; that it is necessary even, as much as may be possi-

ble, to restrict it by degrees where it is too exorbitant; in a word, to follow in that regard the course which all the ministers of finance have constantly pursued for the past eighty years or more; for there is not one of them but has sought constantly to restrict in general all privileges, without excepting those of the nobility."

"An historical examination of the privileges of the nobility, and a comparison of the circumstances in which it arose with present circumstances, proves how just was the habit of thought of my predecessors in that regard; and that, far from madly disturbing the constitution of the monarchy, they have, on the contrary, wisely sought to bring together the provisions of the present constitution, by weakening the prerogatives born under a constitution which has not existed for a long time, and which cannot and ought not to be re-established."

"It can never happen, and it has never happened in any country, that a deliberate policy is adopted of giving to one part of the nation, and that the wealthiest part, the privileged right of contributing nothing to the expense of the state. Such a policy has no more been pursued in France than elsewhere. In the primitive constitution of the monarchy the noblesse was far from being exempt from public charges, but was, on the contrary, alone charged with administering justice, and with rendering military service. That double obligation was attached to the possession of fiefs. It is well-known that the noble was obliged to serve at his own expense without receiving any pay from the prince. It was doubtless a pernicious institution since it deprived the state of actual force without, and the monarch of sufficient power within; experience revealed the vices of that institution. As the kings extended their authority, and in order to strengthen it more and more, they busied themselves in forming by degrees a better constitution. It was only under Charles VIII, after the expulsion of the English, that the trial was made of a standing militia, serving under pay, in order that an army might always be ready

in case of need, and that internal tranquillity might be assured by a police a somewhat more efficient police. It was in that epoch that the *taille* was permanently established."

Here Turgot refers to the historical sources of the exemptions of the nobility, tracing the subjugation of the feudal lords to the Monarch and the personal service they were held to render to him, with all their retainers, and to dispense justice in the name of the king; the gradually developed necessity of a standing army in the king's pay, and the very apparent difficulty of laying this expense upon the nobility who are nevertheless not exempt from their military and judicial obligations. The *taille* was levied first in the name of the king for the support of the military service. The same name had been given to the exactions imposed by the feudal lords upon their serfs, and this made it the more repugnant to the nobles, and furnished a plausible excuse for exempting them from it.

After tracing the rise of the taxes known as the *tenth* and the *capitation*, Turgot resumes the argument:

"The privilege was originally based on the fact that the Nobility alone was charged with military service, which it gave in person and at its own charges. Now, on one side, that personal service, having become more incommodious than useful, has fallen wholly into desuetude; on the other, the entire military power of the state reposes in a large army constantly maintained and paid by the State. The Nobility which serves in that army is paid by the state, and is paid no less in amount than the plebeians who fill the same grades. Not only are the Nobles under no obligation to serve, but on the contrary, it is the commoners alone who are compelled to serve, since the establishment of the *milices*, from which the Nobles, and even their valets, are exempt."

"It is proved, then, that the conditions which supplied the motive in which the privilege was grounded, subsist no longer."

"To the immense expenses of maintaining the army are

added those of fortresses and artillery, the institution of a strong marine, the expense of protecting the colonies and commerce, those of internal improvements of all kinds, and finally an enormous burden of debts, the result of long and unfortunate wars. There has never existed at any time any motive to exempt the nobility from contributing to these expenses."

"The privilege which it has enjoyed may be respected by virtue of possession, prescription or concession, if it is so desired; but there is no reason for extending it to all taxes and to all the expenses which had no existence at the time the privilege was instituted. Not only would that extension be without foundation, it would be unjust, it would be impossible."

"When a charge is very heavy, inequality in apportioning it always violates the course of justice, and becomes besides a source of great evil. If two men have a charge of two livres to meet between them, one of them may be made to carry the whole charge upon himself without inconvenience. If the charge is two hundred livres, the one who bears it alone will have all he can meet, and he will regard it as a grievance that the other pays nothing; but if the burden is four hundred livres, it is absolutely necessary that it be divided equally between them, lest the one who may be charged with the whole weight of it should sink beneath it, succumb to the weight, and the burden not be carried at all. It is not otherwise with taxes: in the measure in which they are increased, the privilege becomes more unjust, more of a burden on the people, and at last it becomes impossible to maintain it."

"A further reason establishes the fact that the privilege is more unjust and onerous, and at the same less respectable: the facility with which the rank of nobility may be acquired for a money consideration. No wealthy man fails to become, on the spot, a noble; consequently the body of nobles comprises the whole body of the rich, and the cause of the *privilégiés* is no longer that of distinguished families against plebeians, but has become the cause of the rich against the poor. The

motives which might cause one to respect the privilege, had it been extended only to the ancient defenders of the State, surely cannot move one to regard it in the same light, when that privilege has become common to the tax farmers who have plundered the State. Besides this, what sort of administration would it be, which would load all these public charges on the poor in order to exempt the rich! These reasons have appealed strongly to all the administrators of finance."

To fortify further his position against taxing the *privilégiés* for a work the *taillables* alone have endured, the Chancellor adds two arguments which, with Turgot's replies, deserve to be added:

Chancellor: "Take away from the nobility its distinctions, you destroy the national character, and the nation, ceasing to be warlike, will soon be the prey of neighboring nations. To be convinced of the truth of this, it is only necessary to glance over the principal revolutions France has experienced under the reign of many of our kings. That of Louis XIV., in the time of his adversity, furnishes a case sufficiently in point."

Turgot: "The nations in which the nobility pays taxes as do the rest of the people are not less martial than ours. In our nation, the plebeians are not poltroons, and in the provinces of genuine *taille*, in Languedoc, in Provence, in Dauphiné, and in part of Guienne, although the nobles and the commoners are treated in exactly the same manner in the matter of the *taille*, the nobles are not less brave, not less attached to the king, nor less exalted above the commoners by all the distinctions which constitute the nobility. It cannot be believed that any of the principles of the constitution, nor the national genius has suffered any change in these provinces, and nothing in them indicates the disasters which seem to alarm *M. le Garde des Sceaux*. Neither the misfortunes of the end of the reign of Louis XIV., nor those which France has endured at other times, are in any way relevant."

Chancellor: "It will be objected to me, perhaps, that a moderate tax, apportioned to the proprietors, nobility or plebeians, in proportion to the twentieths, will not be sufficient to cause the privilege of the nobility to be regarded as destroyed. I reply that it is always the first assault which is regarded as a certain foreboding of a greater destruction of that privilege, especially when it is contrived to replace, by that tax on the Noblesse, a labor hitherto performed only by the *taillables.*"

Turgot: "It is very true that the nobles contribute nothing to the corvée, but it does not follow from that that they ought to contribute nothing to the expense of the roads. It is not because the privilege of the nobles ought to include examples from the expense of road-making that they have contributed nothing to it; it is because it has been thought advisable to make the roads by means of the corvée; but it was from the first an injustice to make the roads by a means which exempted from that expense those who received most profit from it. Happily the corvée has never been established legally; it was introduced by degrees in an imperceptible manner and, I venture to say, by way of surprise. The corvée ought to be suppressed precisely because it necessitates an unjust and exorbitant privilege. By suppressing it, a return is made to true principles, to justice, in accordance with which the burden of that expense ought to be laid upon those who have an interest in it; there must not be extended over a new tax a privilege which must be conserved only over ancient taxes, with regard for precedents and old possessions."

The Keeper of the Seals then makes a plea against the provisions of the edict as they relate to the clergy, beginning his argument by saying that there are three great orders in France, the clergy, the nobility and the third estate; that each of these has its rights, its privileges, perhaps its prejudices; but that it is at least necessary to conserve them such as they are. To strike a blow at them is to weaken in the hearts of

subjects the sentiments of interest and love which it is essential they all should have for the sovereign. To this Turgot retorts, "In renouncing the plan to tax the clergy, it becomes useless to discuss in detail the objections here raised by *M. le Garde des Sceaux*."

"I will abstain, then, from proving that the gratuitous gifts of the clergy have never been on a level with those which they would have owed to acquit them of the same taxes as the nobility paid, and from which there is no reason why they should be exempt; and I will only remark in passing, that if the hundredth has become a pressing burden, it is only because there has been the manifest weakness which permitted the clergy to make these gratuitous gifts, already inadequate, by means of loans which were increased for each gratuity, and they threw forward on the ecclesiastical successors of those who seemed to be making the gift the charge which those members of the clergy should have paid who were honored through the pretended gift."

"What I have said of the privileges of the nobility applies, and with even greater force to the privileges of the clergy."

"*M. le Garde des Sceaux* mentions the privileges of the *tiers-état*. It is known that the Nobility and the clergy have privileges and that there are also in the *tiers-état* some cities and some private corporations which have them. But the *tiers-état* as a body, that is to say, the people, is very far from having privileges; it is, in fact, directly the reverse, since the burden which should have rested on those who are exempt has always fallen on those who are not."

A little later in the argument, the Chancellor refers to the opposition the clergy raised to the proposal of Controller-General de Machault, when he demanded declarations of their property from them in order to assess the tenth upon them. Turgot rejoins, rather sharply, "Since the purpose to tax the property of the clergy has been disclaimed, and that which was of some consequence, though of less prudence, will

not be done, and since this argument only demonstrates how dangerous the privileges of the orders and the *esprit de corps* are, inasmuch as they are able to interpose effective obstacles to operations which are in themselves just, the difficulty relative to the clergy is removed. *M. le Garde des Sceaux* will not forget that. It is useless to revert to it."[1]

Léon Say reports that M. de Miroménil read the answers which Turgot had written on the margins, and appended to his manuscript, and returned the packet with this note:

"M. de Miroménil sends, with a thousand compliments to M. Turgot, the plan of an edict concerning the *corvées*, and his observations. He also returns the papers concerning compulsory feudal service (*banalités*), and confesses himself to be little impressed by the replies to his observations."[2]

III. *The Edict.* The political and economic doctrines developed in the preamble to the edict are all elaborated in the discussion with M. de Miroménil, and discussion of them in this work is deferred to a later chapter.

The preamble is only about one-fourth the length of the controversy with the Chancellor, and, being composed for the future as much or more than for the present, it is naturally a candid exposition of all the corvée costs the government and all that it implies and involves in its relation to all classes, especially to the "most numerous class of our subjects," the *taillables* upon whom its most crushing weight fell. It urges reason, justice and public welfare as the bases of its general recognition, and it is significant that in the arguments against it at the *lit-de-justice*, M. Séguier, who voiced the objections of the parlement, admitted every charge which Turgot made against the corvée. There was no real objection to its abolition. But the most strenuous objections were made to the tax on proprietors to replace it. Séguier urged the king to adopt

[1] Daire, *Œuvres de Turgot*, vol. ii, pp. 251–287.

[2] Say, *Turgot*, p. 155.

the methods of ancient governments for the making of roads and to employ the army to that end whenever circumstances made such employment possible. But Louis XVI. was true to his promises to the Minister and willingly set the example to the privilégiés in subjecting the domain of the crown to the tax.

One feature of the decree which could not properly appear in the body of the edict was embodied in the preamble, and that was the maximum limit of the tax for all the states-districts. The king could not well embody this in the law, but felt confident that, relying on the judgment of his Minister of Finance, he could promise that the total amount of the tax would never exceed the sum of ten million livres annually.

The edict itself is composed of eleven articles, of which the first forbids in all cases, except where war and defense of the country demand it, any forced or compulsory labor under the name of corvée or any other name, for the construction of roads or other public works. In case of war, the right is reserved to pay those who may be drafted for whatever work is demanded of them. Article II provides for the tax for building roads, apportioned according to the twentieths, and levied upon all owners of land, privileged and non-privileged. Article III continues in force the existing provisions for bridges and culverts. Article IV provides for the indemnity of all proprietors who may be damaged by the laying out of roads, destruction of buildings or extraction of materials from their lands.

Articles V, VI and VII make the necessary provisions for the regulation by the Council of the work to be done during each year in each généralité, the contracts for the work, the disposition of surplus funds or deficits which may arise through unforeseen contingencies, which sums are to be deducted from or included in the budget of the following year. Article VIII enacts that four copies of the edict as passed by the Council each year shall be deposited, for free access and consultation

by the public, one copy each in the office of the Court of parlement of the généralité, in the Chamber of Accounts, in the Court of Aides, and one in the Bureau of Finance. The remaining articles provide for the collection of the tax in the same manner as the twentieths, the methods of accounting for the collection and disbursement of the funds, the latter to be strictly in accordance with the terms of the contracts executed for the making and repair of the roads.

Although the edict was revoked within a few months after Turgot's downfall as Minister of Finance, the final suppression of the corvée was inevitable as a result of the measures which had been taken against it, and its end was one of the first works of the National Assembly.

CHAPTER IV

ANALYSIS OF THE EDICT ABOLISHING THE GUILDS

TURGOT regarded the freedom of trade as the very greatest boon which the king could confer upon his people. He had no thought that the full wisdom or total error of the scheme enacted by his edict to this end, would become apparent to the general public for ten years.[1] Next to the advantages of free trade, Turgot assures the king in the Memoir, that freedom of labor and industry comes as the most imperative and beneficent act of his paternal rule, and the edict enacting the complete overthrow of the guild system in France did not come by any means as a bolt from the blue, an unexpected and disconcerting act of sovereignty.

The *économistes* had for twenty years been agitating for the suppression of the corporations, and their activity was met by equal zeal in defence of their régime by the Six Companies,[2] and other powerful guilds of Paris. In 1775 the *économistes* issued a posthumous document of President Bigot de Sainte-Croix, under the title: *Essai sur la liberté du commerce et de l'industrie*. This was in fact an address to the Court. Saint-Léon affirms that it was issued for the express purpose of preparing the public mind and rallying it to the support of the edict to follow.[3] The whole address was against the *régime corporatif*, and, having recited in detail the wrongs and injuries to individuals and to society which the guilds

[1] Saint-Léon, *Histoire des Corporations des Métiers*, p. 427.

[2] *Ibid.*, book v, chap. iii (book vi, chap. ii).

[3] *Ibid.*, p. 477.

inevitably wrought, Saint-Croix indicated as practical means of reform the entire abrogation of all bonds between members of the same calling, permission to acquire many different masterships, the abolition of apprenticeships and journeymen's service, and complete assimilation of foreign workmen with native Frenchmen, full freedom of trade between the cities of the kingdom and the denial of the right to artisans of the same vocation to unite themselves into a society.[1]

The publication of this brochure produced a great excitement in Paris and the cities near to it. The guilds refrained from making any public demonstration against it for a time, but when, in January of the ensuing year, the rumor became general that Turgot had submitted a Memoir to the king, looking to the suppression of the corvée, the offices of stalls and markets, *Caisse de Poissy* and the *maîtrises and jurandes*, the Six Companies at once delegated M. Delacroix, an advocate of the parlement of Paris, to look to their defense. He at once published a *Mémoire à consulter sur l'existence actuelle des Six Corps et la conservation de leurs privilèges.*

This Memoir anticipated in almost every point the opposition speech of M. Séguier at the *lit-de-justice* in the following March, even more closely than the *Essai* of *de Saint Croix* did the edict when it appeared.

The *Six Corps* followed the Memoir of their advocate with an official publication of *Reflections*, in which they made a general onslaught on the whole principle of free trade and industry. The master tailors of Paris also issued, by their advocate, M. Dareau, a vigorous protest against the suppression of the *jurandes*.

On the 22d day of February, Turgot caused a decree of the Council to be issued suppressing all the Memoirs published in the defense of the guilds, evidencing, as Saint-Léon observes, that "the liberty of trade was not confounded in the minds of its partisans with liberty of discussion." This decree was fol-

[1] Saint Léon, *Histoire des Corporations des Métiers*, p. 477.

lowed a few days later by the publication of the edicts enacting the suppression of the Port and Market Offices and the Guilds.

Now there are some characteristics of the guilds of the *ancien régime* which must be clearly discerned before Turgot's attitude toward them becomes understood and explainable. Saint-Léon and Drapé,[1] in following the development of the guild system, emphasize the marked difference between the guilds of the Middle Ages and those of the age of Turgot. Drapé say, that the sharp distinction between the *corporation ouverte* of the Middle Ages and the *corporation fermée à réglementation excessive et à monopole exclusif*, of the *ancien régime* strikingly characterizes two types of professional association.[2] With scarcely an exception, the guilds of the Monarchy under, and subsequent to, the reign of Louis XIV were jealous to a fault of their privileges, monopolistic to the last degree, and opposed effective barriers to all economic progress and advance. Blind to the economic evolution of the age, they fought bitterly against it, and were finally obliterated, so far as concerned their harsher aspects, only by the economic revolution which they could not stay. It was not the beneficent, protective and mutually helpful medieval guilds which confronted Turgot, but degenerate descendants of these; racial and class prejudice[3] lay at the basis of their organization; reform could not, by treating their superficial phases, reach the heart of their abuse of economic privileges originally extended to them, and effective reform was possible only by way of total eradication.

It was the failure to comprehend these conditions which led the partisans of the guilds to violent opposition of the reform measures of Turgot, or, possibly, it was a consciousness of the impregnable positions of the Minister.

[1] Drapé, *Recherches sur l'Histoire des Corporations d'Arts et Métiers en Roussillon sous l'Ancien Régime*, pp. 200–208.

[2] *Ibid.*, p. 225.

[3] Saint-Léon, *Histoire des Corporations de Métiers*, p. 476, note. The Six Corps embody in their defense a bitter attack on the Jews.

The same failure to grasp the significance of the crisis has led some of Turgot's later critics astray. Toubeau, who defends the guilds with rather marked enthusiasm, and largely from the religious point of view, thinks that "Le problème de l'organisation du travail avait donc reçu dans l'ancienne France sa plus parfaite solution par l'association corporative."[1] M. Flach commends the essential trait of family solidarity, mutual assistance and protection, and defensive provisions of the guilds, and counts their destruction a misguided attempt at reform;[2] and Gauthier dignifies them as the most authentic monuments of history, "qu'on fut coupable de renverser ces vénérables Corporations, et que l'on devait seulement les dégager de leurs abus."[3] Drioux studies the guilds chiefly from the legal standpoint, touching in a rather non-committal way on their economic and political aspects,[4] and Valleroux, while approving Turgot's beneficent intentions, praises Séguier's attack on the edict, and applauds as vastly wiser the subsequent reconstruction of the guilds along the lines laid down by Delacroix and Séguier.[5] Even Saint-Léon, who is by no means either unfriendly or unkind to Turgot, questions the wisdom of all the provisions of the edict. His language is eminently worth quoting here: "L'édit de 1776, en effet, venait rompre violemment des liens séculaires; il denonçait un pacte qui avait été dès les premiers temps de nôtre histoire la loi et la constitution organique du travail national. Maître et artisan allaient désormais se trouver en face l'un de l'autre, sans que le sentiment de leurs intérêts communs et la solidarité professionnelle intervinssent comme autrefois pour exercer leur influence bienfaisante et conciliatrice, sans que la médiation d'une autorité si long-

[1] Toubeau, *Les Anciennes Corporations Ouvrières à Bourges*, Intro. xxiv.

[2] *Ibid.*, p. 26.

[3] Gauthier, *Histoire des Corporations Ouvrières*, p. 6.

[4] Drioux, *Étude sur les Associations.*

[5] Valleroux, *Les Corporations d'Arts et Métiers*, pp. 112–118.

temps respectée et obéie s'interposât pour apaiser leur éternelle querelle. Affranchir le travail des entraves qui comprimaient son essor, c'était à coup sûr une idée généreuse et libérale. Supprimer, au lieu de les conserver en les transformant, les institutions corporatives, type traditionnel de l'organisation du travail, abandonner l'artisan aux suggestions mauvaises de l'isolement social et de l'individualisme, c'était peut être au contraire faire acte d'imprévoyance et léguer à l'avenir un dangéreux héritage." [1]

It is unquestionable that in the preamble to the edict, by developing the idea of "rights" which the sovereign owed to his subjects to protect and not to infringe upon, and especially by affirming the "droit de travail" as the most sacred and imprescriptible of all the rights of man, Turgot was arraigning the whole political course of the Empire and building into its laws a new idea, hitherto foreign to the monarchy. "Damit war die ganze bisherige Gewerbepolitik des französischen Königtums als falsch und ungerecht verurteilt," [2] expresses the precise status of affairs as indicated in the preamble of the edict suppressing the guilds. But in connection with that fact, must be considered Turgot's attitude, as expressed in the Memoir: "I am sensible of a delicacy in laying blame on old operations of government, but it is truly impossible to develop principles, and to bring abuses to an end for the future, without casting some odium upon it for those abuses. All that can be done is to provide that this blame does not fall on persons who may be presumed to have been actuated always by upright intentions. I have endeavored to preserve that thought. And that delicacy, however based, it seems to me, ought to give place here to the great object of consolidating for perpetuity the good which Your Majesty wishes to accomplish for his subjects, and to lay it upon future administrators to destroy the

[1] Saint-Léon, *Histoire des Corporations de Métiers*, pp. 479, 480.

[2] Oncken, *Geschichte der Nationalökonomie*, p. 450.

groundless bases which have misled administrators in times past."[1]

The following paragraphs from the preamble to the edict express Turgot's mind on the general and specific principles of the responsibilities of government to labor and to industrial organizations in his day. The opening words of the document are:

"Louis, etc. We owe it to our subjects to assure them the full and complete enjoyment of their rights; we owe that protection especially to that class of men who, possessing nothing but their labor and industry, above all others have the need and right of employing to the limit of their capacity their sole resources of subsistence."

"We have viewed with pain the multiplied blows which have been struck at that natural right and common feature of ancient institutions, but which neither time, nor opinion, nor even the acts emanating from the authority, which seems to have sanctioned them, have been able to make legitimate."

"In nearly all the cities of our realm, the exercise of various arts and trades is concentrated in the hands of a small number of *maîtres* incorporated in guilds, who may, to the exclusion of all other citizens, make or sell the particular articles of commerce of which they enjoy the exclusive privilege; consequently, those of our subjects who, by inclination or by necessity, desire to exercise the arts and trades, may do so only by acquiring the mastership, to which they are ineligible until they have passed an apprenticeship as long and arduous as it is superfluous, and after they have satisfied claims and multiplied exactions by which a part of the money they so greatly need to establish their trade or to open their shops, or even for their subsistence, they find consumed in utter waste."

"Those who are so unfortunate as to be unable to meet these expenses are reduced to a precarious existence under the domination of *maîtres*, condemned to waste their lives in indigence,

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 243.

or to carry on outside their country an industry they might have made useful to the State." . . .

"Thus the effect of these institutions, on the part of the State, is an appreciable diminution of trade and industrial labor; with respect to a numerous part of our subjects, a loss of wages and means of subsistence; on the part of the inhabitants of the cities in general, complete subjection to exclusive privileges, the effect of which is exactly analogous to that of an effective monopoly, a monopoly of which those who control it against the public are themselves the victims whenever they in their turn have need of the commodities or trade controlled by other guilds."[1]

Having briefly reviewed the origin and development of the guilds, and pointed out that the law has been invoked in behalf of private interests in the constitutions and innumerable restrictions which constitute the present organizations, Turgot adds:

"We will not pursue further the enumeration of the fantastic rules, tyrannical and contrary to humanity and good manners, which fill these obscure codes, conceived by greed, adopted without examination in times of ignorance and which only need to be known to become the object of public indignation."

He then traces the fiscal resource which has been made of the craft-guilds and says: "It is doubtless the allurement of this means of finance which has prolonged the delusion concerning the immense injury which the existence of guilds causes to industry and concerning the blows which it struck to natural right. That delusion has been carried by some persons to the point of contending that the right of labor is a Royal right, one that the prince could sell and which the subjects ought to buy. We hasten to put beside this another maxim:"

"God, by giving to men needs and making them dependent

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 243.

upon the resource of labor, has made the right of labor the property of all men, and that property is primary, the most sacred and the most imprescriptible of all."

"We regard it as one of the first obligations of our justice, and as an act in every way worthy of our beneficence, to emancipate our subjects from all the restraints which have been laid upon that inalienable right of humanity. Wherefore we will to abolish the arbitrary institutions which do not permit the indigent to live by their labor; which exclude the sex whose weakness implies greatest needs and fewest resources, and which seem, by condemning it to inevitable misery, to encourage seduction and debauch; which stifle emulation and industry and make useless the talents of those whom circumstances exclude from admission to the guilds; which deprive the State and art of all the advantages which foreigners might furnish; which retard the progress of the arts by the difficulties which inventors find multiplied by the guilds who thus dispute the right to exploit discoveries which they themselves have not made; which, by means of the inordinate expenses artisans are compelled to incur in order to acquire the liberty of labor, by the exactions of all kinds they must meet, by the multiplied penalties for so-called infractions, by expense and extravagance of every sort, by the endless litigations which arise between the different guilds because of their respective claims concerning the scope of their exclusive privileges, surcharge industry with an enormous tax, grievous to the subjects and with no corresponding advantage to the State; which, in short, by the facility they afford to members of the guilds to combine among themselves and to compel the poorer members of the unions to submit to the rule of the wealthy, become an instrument of monopoly and give rise to schemes whose effect is to increase beyond all natural proportion the price of commodities which are indispensable to the subsistence of the people."[1]

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 303.

Now, this scathing arraignment of the labor organizations must be judged on its merits; and it is significant that, without exception, the historians of the guilds and guild system who base their conclusions on available records, and who have no personal or religious interest to subserve, admit every charge which Turgot makes in the last preceding paragraph. And the question of reforming institutions which had come to be exponents of doctrines which were inimical to the state, hostile to industry, socially and morally intolerable, insurmountable barriers to progress and subversive of every economic principle which looked to national and individual betterment, is at once seen to be something more radical than mere revision of constitutions and codes. And one point almost universally overlooked by Turgot's critics demands consideration because of its bearing on his view of the guilds.

The edict enacting the suppression of the guilds took immediate effect only on the 113 guilds of Paris, the guilds of the provinces being granted a period of delay until their condition could be more thoroughly known and considered.[1]

M. Drapé discovered and incorporated in his publication, in 1898, a letter written by Turgot to the Intendant of the province of Roussillon, written during the month following the *lit-de-justice* which registered the edicts, in which Turgot says, "The province of Roussillon, not having always been a part of the kingdom, it may be that the status of the *jurandes* there is different and derived from titles which are peculiar to the constitution of that province," and he requests the intendant to secure for him the necessary information relevant to the execution of the *plan de liberté* adopted by the king. A second letter to the intendant instructs him to procure information concerning the debit and credit accounts of the guilds.[2] These letters lead M. Drapé to observe: "Turgot s'était cependant

[1] Daire, *Œuvres de Turgot*, vol. ii, pp. 306, 307.

[2] Drapé, *Recherches sur l'Histoire des Corporations d'Arts et Métiers en Roussillon sous l'Ancien Régime*, p. 208.

rendu compte de la relativité des milieux, il savait que les moeurs, les habitudes, et les institutions ne se developpent pas suivant des plans en quelque sorte parallèles, mais qu'au contraire, il y avait des étapes bien différentes, sur la même route du progrès."[1]

The importance of this correspondence is obvious as showing that in all his hostility to the *régime corporatif* Turgot was not carried away by the enthusiasm of a doctrinaire reformer nor unable to take note of modifying conditions or extenuating circumstances. He conceived the whole existing basis of the guild system to be essentially bad, but recognized that in distant places and in other circumstances the guilds might not be so disastrous in their effects as were the ones in the capital and in other large cities.

Returning now to the expositions made in the preamble of his ideals of industrial organization, Turgot is found to be discussing the real distinctions between entrepreneurs or masters and laborers; this distinction "is based in the nature of things and does not depend on the arbitrary institutions;" entrepreneurs may be trusted not to embark their capital in a craft of which they are too ignorant to be able to choose good workmen, and this interest will serve all the ends of preventing the public from unsatisfactory service. And the supply of merchants and laborers will adjust itself automatically to the demands of consumption.

He then classes the debts of the guilds in two categories; one the loans which have been contracted to meet the demands of the crown, the other, the obligations incurred in the conduct of the societies. He purposes to protect the creditors of the guilds, and to collect to the profit of the king the sources of revenue formerly alienated to the guilds, and to use the sums so arising as a sinking fund for the ultimate extinction of all the debts of the first class. The chattels and effects of the

[1] Drapé, *Recherches sur l'Histoire des Corporations d'Arts et Métiers en Roussillon sous l'Ancien Régime*, p. 213.

guilds, which their suppression will make subject to sale, will provide for the debts of the second class, any surplus arising from the sale of the effects to be divided equally among the masters of the particular guild which had owned the property, and any deficit to be provided for by the king, from other branches of revenue.

Concerning the taxes collected from the guilds from reign to reign, Turgot held that the object of these payments was satisfied in the confirmation of their privileges which the guilds enjoyed, inasmuch as the privileges had to be renewed in each reign. He adds: "We have not renounced the right, inalienable from our sovereignty, to summon for examination the privileges too readily granted by our predecessors, and to refuse them confirmation if we judge them prejudicial to the welfare of the state and contrary to the rights of our other subjects."

The vocations of barbers, wigmakers, and bathkeepers were exempted from the edict, since these guilds were in the nature of bodies of officials which could not be suppressed until they were reimbursed for their payments in purchase of the offices, and the conditions of the treasury at that time would not allow these sums to be withdrawn. Pharmacy, gold-smithing and printing were also exempt from the suppression decreed, on grounds of public utility and safety. Freedom of the press was not yet established, and Turgot was not prepared to withdraw government censorship from publications; the trade in drugs required, or at least seemed to require, careful government supervision, and the same provisions were deemed necessary to cover the other trade.

In place of grouping craftsmen according to their calling, as had been done from earliest times, the preamble explains the new method of grouping all industries according to localities, enrolling the names, residence and occupations, without cost, of all the inhabitants of a certain defined district, syndics and assistants being appointed for that purpose in each quarter.

All litigation between the guilds concerning conflicting claims was to be at once stricken out of court; law suits involving real estate or other permanent interests were to be carried as quickly as possible to final judgment, and suits where quality or price of labor were at issue were to be settled in the speediest and least costly manner possible.

The text of the edict is in twenty-four clauses, much the longest of the six. The reforms to be effected were so radical and far-reaching that it was imperative to make them clearly defined and specific. Article I decrees: "It shall be free to all persons, of whatever quality and condition they may be, even all foreigners who may not yet have obtained letters of naturalization from us, to embrace and to exercise in all our kingdom, especially in our good city of Paris, such kind of business and such profession of arts and crafts as may seem good to them, even combining many: to this end, we have abolished, we will to abolish and suppress all corporations and guilds of merchants and artisans, as well as *maîtrises* and craft-guilds. We abrogate all privileges, statutes and regulations given to the said corporations and guilds, by reason of which none of our subjects may be annoyed in the prosecution of his business and his trade, for any cause or on any pretext whatsoever."

Article II provides for the recording of names, sur-names, domiciles and occupations, without cost, before the Lieutenant-General of Police; provides for seizure, confiscation of goods and fine for failure to make the required declaration; and exempts the existing masters, except in case of change of domicile or business, and wholesale merchants of all classes. Articles III, IV and V provide for the exemption of day laborers who work for the account of others, the vocations of pharmacy, gold-smithing and printing and book selling, as well as the offices of barbers, wigmakers and bath-keepers. Article VI provides for a fine of 500 livres and other punishment, as may be determined, for butchers, bakers and others whose business

affects the subsistence of the people, if they quit their accustomed trade within one year from the time of making the declaration. Articles VII, VIII and IX provide for the police of businesses required to be conducted according to records on file, of the sale of drugs and of dangerous occupations.

Articles X and XVI are the chief constructive clauses of the edict. The former establishes *arrondissements* in the different quarters of the cities to be under the jurisdiction or supervision of a syndic and two assistants in each one, and these officers to be the local representatives of the Lieutenant-General of Police and answerable to that functionary. The latter revives the Consular-Magistracy, established in 1563 and 1728, in the city of Paris, and provides for their election annually by sixty, thirty-two electing, of the tradesmen of the district. Articles XI and XII delegate authority to the Lieutenant-General of Police over industrial suits at law in all cases where the amounts at issue are less than 100 livres. Article XIII forbids all officers of all guilds from performing any function or duty whatever in their official capacity, except in the matter of collecting and remitting the sums due the crown for the current and preceding years.

Article XIV is the one which has inspired the most hostile criticism of its author; it forbids all masters, journeymen, laborers and apprentices to form any association or assembly of any sort, among themselves, under any pretext whatsoever. Article XV restores the chapels and other property of religious brotherhoods to the bishop of the diocese to be disposed of by him according to his judgment. Articles XVII and XVIII enact concerning present suits at issue, provide for their early adjudication, and forbid all officials of guilds to institute new proceedings. Article XIX calls for reports within the space of three months from all wardens, syndics and magistrates, and provides definite officials through whom the reports shall be made. Articles XX–XXIII provide for the liquidation of the debts of the guilds along the lines indicated

in the preamble. Article XXIV nullifies all legislation contrary to the provisions of the edict.

Concerning the clause forbidding all associations and assemblies of men of the same craft, Stephens observes: "So rare is it for a mind, however enlightened, to accept at once the full consequences of a principle."[1] Léon Say raises the question as a dilemma. In his discussion, however, he makes no attempt to offer a solution.[2] And nearly all writers who mention the matter at all attribute that provision to the one obvious weakness of the Minister. On the face of the case, taken in connection with the decree of February 22, 1776, which suppressed all defense of the guilds, it indicates a measure of intolerance bordering on bigotry on the part of a man whose whole life was a plea for toleration. But when these institutions are set in the foreground with all their shameless exploitation of the state and the welfare of the individuals which composed it, the economic revolution in the immediate background, and when we remember that Turgot, realizing the causal relation of the one to the other, was striving with the aid of the youthful king to avert the Revolution by subverting its cause, his course becomes consistent in every part. Grant the members of the guilds the privilege of assembly, and how long would human greed, trained to arrogance by long periods of economic privilege, remain suppressed? How long before most guileless appearance concealing the same baleful force which had already drained the monarchy of its industrial vitality, would have been hard at work completing its destruction in the constitution of the State? Given that time and place, antecedent conditions and the impending future, as Turgot saw it, and there was no other course to pursue. To have failed to suppress the publications which appealed to prejudice and inspired passion against the beneficence which ceased not to issue decrees and measures of

[1] Stephens, *Life and Writings of Turgot*, p. 130.

[2] Léon Say, *Turgot*, pp. 173, 174.

amelioration from the bed of pain and suffering, was an equally imperative measure. The Age of Paper, which readers of Carlyle cannot forget, had not yet broken forth in its exhaustless fulness, but there was enough of it then, and that particular crisis needed no flood of paper to incite wrath against the measures which involved a revolution.

The restoration of the guilds in August following Turgot's dismissal could not restore the power with so much difficulty wrenched from them. They were, indeed, reconstructed, and exercised their functions until 1789. Then came the revolution which was not peaceful. The lettres-patent of 1779 modified yet more the milder régime established by Maurepas in 1776; in the *Répertoire de Jurisprudence de Dalloz*[1] these words speak volumes for the subsequent history of industrial legislation in France: "It is not to the National Assembly, which accomplished some great things, to which the honor belongs of having first proclaimed the right of labor. But it was the attempt of Louis XVI. and Turgot which it had the glory to accomplish. Dallarde, in the report which he presented to the Constituent Assembly, confined himself to analyzing, and at times even copying the preamble of Turgot."

Menger has admirably traced and analyzed the socialism which, arising from the mild claims of the inalienable right of labor, took its stand on the right to labor, and developed the modern socialistic doctrines to the right to the full product of labor. But Menger, in the only reference he makes to Turgot in his excellent work, has failed to represent him correctly; for Turgot's defense of the *droit de travail* in no way suggested, even faintly, the obligation resting on the State to provide employment for all who sought work. The *droit à travail* did not enter into Turgot's perspective; he only affirmed that no political structure could reasonably and justly prevent man

[1] Stourm, *Les Finances de l'Ancien Régime et de la Révolution*, vol. i, p. 281, note.

from working by hedging him about with arbitrary restrictions.[1]

Oncken, on the other hand, has in this instance rightly apprehended the real significance of Turgot's contention in the preamble to the edict. He says: "Unter dem 'droit de travailler' darf man hier nicht etwa das Spätere 'droit du travail,' wie es aus Irrtum nachher wohl geschehen ist, verstehen. Es bedeutet nichts Anderes als Gewerbefreiheit, d. h. die Freiheit, ein Gewerbe anzufangen, ohne durch Privilegien Anderer gehindert zu werden; es ist im Grunde ein Bourgeoisrecht. Das 'Recht auf Arbeit' dagegen schliefst den Anspruch in sich, nicht bloss Arbeit zu suchen, sondern auch solche zu finden. Es ist ein Proletarierrecht. Das dem Préambule angeheftete Edikt handelt auch thatsächlich nur von der Aufhebung der Zunftprivilegien und Unterstellung der Unternehmung unter die Sicherheitpolizei."[2]

The edict suppressing the guilds was registered at the bed of justice on the 12th of March, 1776. The parlements of Bordeaux, Toulouse, Aix, Besançon, Rennes, Dijon and Nancy refused to register it, and in these provinces the guilds continued as before, conforming to the rules of the reconstruction of the system, as laid down by Maurepas, in August of the same year. And this reconstruction, given in detail by Saint-Léon, conformed to the earnest appeals of Séguier, the advocate who spoke the protest of the parlement of Paris at the *lit-de-justice*.

This speech of Séguier's has been rather unfairly treated by most historians. It did contain some passages of florid rhetoric, but it was, on the whole, a shrewd and astute plea for the corporations. Séguier frankly acknowledged that there were many abuses in the system; that many of the corporations might be abolished with profit; that others might and should

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 306.

[2] Oncken, *Geschichte der Nationalökonomie*, p. 450.

be combined; that women should be admitted to guilds having in charge such employments as were suitable for them. But he contended, and with much force, that the masterships were items of property which had been purchased; that to abolish the guilds, rather than to reform them, meant nothing less than to confiscate the property of innocent purchasers. He affirmed, and adduced evidence in support of his statement, that the very restrictions of which the preamble made so much, were the source of the glory and greatness of the commerce of France. For its purpose, the speech is an excellent example of forensic eloquence.

But the king had yielded his support to the minister who saw not tradition but the future; who felt that justice to the many demanded injustice to the few who exploited the many. The edict became one of the most honored, though for the time dishonored, of the laws of France.

CHAPTER V

POLITICAL AND ECONOMIC DOCTRINES OF THE SIX EDICTS

It is largely through the emancipation of the science of economics from the trammels which caused it to become known as the "dismal science" that thoughtful students of history have been devoting more attention to the fundamental nature of economic relations in the determination of events which do not appear, at first glance, to be closely involved in economic principles and laws. It is only within recent years that definite attempts have been made to construe the French Revolution as an economic outburst with social and political consequences so conspicuous and noisy as to conceal, in great part, the real nature of that revolt.

In such a study of that epoch the doctrines of the great Minister who died eight years before the breaking forth of the riot he had sought with well-directed zeal to prevent, become of immediate and vital interest. His view of his present and the immediate future are unquestionable. The regeneration he tried to bring about in the heart of his nation was essentially economic. His reforms were economic reforms. To the mild protest of the Keeper of the Seals that the provision for damages to owners of property which was damaged or destroyed in making roads would further burden the finances of the king, Turgot pointedly replies: "*M. le Garde des Sceaux* knows that it is not that which will ruin the state." Ruin, economic ruin of the whole fabric of the state stared him vividly in the face. But it could not be that a nation which could look upon the light and call it darkness could be peacefully reformed.

In all the long reaches of human history, political philosophy has traced for us the ceaseless struggle between the three great forms of political association, Monarchy, Aristocracy and Democracy. Swinging, not pendulum-like, but around the circle where despotism merges into the rule of the few who are best fitted and on into assertions of equality where all rule alike, out of this chaos into despotism again, or sometimes reversing this process, the forms of political control have ever been moving. Within the monarchy which had grown out of the feudal aristocracy and towered above it for a time, France had been developing inevitably the spirit of democracy. And the half-conscious sense of the unreason and inhumanity of economic inequalities established by the ruling classes did as much or even more than any other single influence to develop the frenzy of uncontrollable democracy which rallied to the cry: "Liberty, Equality, Fraternity."

I. *Political Principles.* Turgot held unswervingly to the monarchical idea. To be sure, he recognized the right of the best and fittest to govern and the equality of all before the law, but he had little indulgence for an aristocracy which depended on special economic privileges for its existence, and he recognized in like manner the incapacity of the mass of the people to govern themselves at that time. There was no national sentiment, and the people must be educated in that idea or pass through some fire which should burn away their misconceptions and weld them into a political body. He tried to educate France.

In the language of the Memoir, already quoted,[1] and in the debate with Miroménil,[2] he states, in the most unambiguous way, his conception of the state as a creature of tacit contract whereby the monarch was raised above all for the protection and welfare of all, and that the monarch "could reign in the future only by the justice which should characterize his laws and by the reason in which they were based." His best hope

[1] *Supra*, chap. iii.

[2] *Supra*, chap. iii.

for France was a constitutional monarchy wherein the sovereign must answer to his subjects as a whole for his acts of sovereignty.

With all its defects, Dr. Oncken's treatment of this development of the monarchical idea which culminated in the momentary triumph of the physiocratic doctrine of a "legal despotism" as opposed to the traditional "arbitrary despotism," is a commendable discussion.[1] As might be inferred from the quotations before us, Dr. Oncken has no sympathy either with Turgot's ideals or with his methods; he makes the promulgation of the edicts an inexcusable yielding to the "school master spirit" and a dangerous and indefensible proceeding in that they submitted the legal will of the sovereign to the incompetent judgment of the subjects. His summary of Turgot's conception of the state, however, appears to be wholly just.

Moreover, in Turgot's doctrines of the nature, functions and limits of government, it is altogether probable that with a wider knowledge of his works so able a critic in the field of statesmanship as Mr. Morley would not hesitate to revise his statement that "everything for the people, nothing by the people, was the maxim of the economists, and Turgot held it in all its rigor." Nothing in all his writings in these last great state papers indicates a trace of such a spirit. He did hold, as a corollary of his doctrine of the state, that government had no right to step in and to prevent the people from doing for themselves. In fact, the very methods of Turgot during the period of his national administration, give indubitable evidence that in this regard Turgot went directly contrary to that physiocratic tenet. As the chief factor in internal administration, Turgot gave the clearest possible evidence that his idea of the function of government was to protect the people in doing for themselves, and that the stability and efficacy of government depended on the way in which it gave incentive to private

[1] Oncken, *Geschichte der Nationalökonomie*, pp. 449–453.

initiative by refraining, and compelling others to refrain, from interfering for or against private interests.

The limits of government Turgot established at the point of highest efficiency in safeguarding the interests of all subjects from assaults from without and encroachment from within. Government existed, in his mind, for no other purpose than to administer justice, to protect the life and to assure the security of the property of the body of citizens which constituted the State; and citizens, in the mouth of Turgot, signified a vastly different conception from that of the ancient republics. "The most numerous and needy part of our subjects" is the customary language of his laws, and no one may measure the influence of this deferential manner of speech in awakening the slumbering sense of individual worth in the hearts of the multitudes who were born only to be exploited by the privileged classes and who knew no other destiny.

His methods of administration were such as were in harmony with these basic ideas of state and government. Sinecures and superfluous emoluments had no place in Turgot's scheme of government. Minimum cost for maximum efficiency was his inflexible rule.

The organization of government as planned by Turgot has been variously estimated. We shall not here adduce the unrevised scheme for general reorganization which he did not have opportunity to present to the king, but we shall confine attention to the scheme of representative government instituted by Turgot to take the place of the guild system.[1]

Toubeau[2] and Valleroux[3] both misrepresent Turgot in this matter. They both charge that this scheme of administration was moulded on the form of the administration of the detested *taille*. Chevalier, on the contrary, discerns the real nature of

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 313.

[2] Toubeau, *Les Anciennes Corporations Ouvrières à Bourges*, chap. i.

[3] Valleroux, *Les Corporations d'Arts et Métiers*, p. 116.

this project and shows that Turgot had in mind to develop the capacity for self-government within the body of the state.[1]

This position is the farthest possible removed from the "*despotisme éclairé*" pronounced in the very first of the Maxims of Quesnay. The ideal of the Quesnay school of physiocrats was a beneficent but unqualified despotism. And all of Turgot's positions are directly at variance with that idea.

II. *Economic Principles.* The fiscal policies of Turgot have been so ably discussed and articulated in their relation to the *ancien régime* by Stourm, Gomel,[2] Bouchard,[3] and Foncin,[4] that they need mere statement rather than critical analysis here. And while Cohn had no thought of Turgot when writing of tax problems, his generalizations[5] on this topic are an admirable exposition of the principles advocated by Turgot.

Aside from the sources of revenue from the domain of the Crown, which were for the personal use of the monarch rather than for the representative of the people's sovereignty, the resource of taxation was the chief reliance of the king.

Turgot's theory of taxation was born largely from his experience as an administrator, and his inveterate opposition to indirect taxes must be construed in the light of that experience. In enumerating the vices of that method of the administration of taxes he lays especial emphasis on the fact that they were for the most part a means of exacting revenue from the privileged classes without touching their economic advantages. He refers particularly to the exasperating tax on salt and the equally vexatious monopoly of tobacco, and shows

[1] Chevalier, "Turgot et la Liberté du Travail," *Journal des Économistes*, vol. xxiii, pp. 193 ff.

[2] Gomel, *Causes Financières de la Révolution*, pp. 229, 230, 601.

[3] Bouchard, *Les Finances de l'Ancienne Monarchie.*

[4] Foncin, *Essai sur le Ministère de Turgot*, book 1, chap. iv; *Histoire Générale*, vol. vi, chaps. xi and xii.

[5] Cohn, "Income and Property Taxes in Switzerland," *Political Science Quarterly*, vol. iv, pp. 36 ff.

how these taxes bore so hardly on the poor people and that the Clergy and Nobility paid these taxes but would refuse to pay the same amounts by way of direct taxes.[1]

He held in common with many of the physiocrats that in the shifting and incidence of taxation the final burden fell upon the proprietors of land. Hume[2] and others of his friends tried to show Turgot the errors of his position, but with his eyes fixed on the economic privileges which were working the ruin of the state, Turgot could see for his time and nation no wisdom or reason in a tax which crushed the poor and left the wealthy exempt.

At the base of his scheme of taxation Turgot put ability and interest as the prime objects of incentive and mode of administration. Why tax the poor and helpless and exempt those who were able to pay? Why tax those who received the least protection from government, who had least interest in it, and exempt those who had most interest at stake and received protection of the state even beyond the protection the government itself received? Why harass the defenseless and "snatch revenue from their copper pots," and accord all manner of exemption to those who were able to defend themselves from administrative injustice? Such were the questions which Turgot constantly raised in his discussions of tax measures, and his familiarity with them in discussion demonstrates how large a part of his meditation and reflection they formed.

In the perpetual conflict between the interests of the state and private interests, the administration of the tax system is always and everywhere a cause of friction. It was one of the chief causes of embroilment in the age of Louis Quinze. From the character of the man, and his method of thought on these subjects, we should anticipate no other idea of administration from Turgot than that which he held so consistently before him. The friction within the body of the state prevented any general

[1] Daire, *Œuvres de Turgot*, vol. ii, p. 241.

[2] Léon Say, *Turgot*, p. 56.

sense of love for the government. The person of the sovereign was sacred, and blind loyalty bound the people to him. It was not for some years yet that the wrath of the people identified the person of the sovereign with the chief administrator of government and who, most of all, was responsible for their miseries. The world knows the result. Turgot's whole ambition for the government was so to modify the administration of the internal affairs of the kingdom as to reduce friction to the minimum and to build up the sense of mutual interest between sovereign and people that for the sake of this mutual interest the necessary friction would be more easily tolerated. His success was his failure, and his failure was the final condemnation of the *ancien régime*.

It is interesting to note that Turgot's principles of taxation were counted of sufficient importance to be cited by both sides in the Income Tax cases brought before the Supreme Court in 1900.[1] In his work on "The Shifting and Incidence of Taxation,"[2] Dr. Seligman gives an admirable summary of the positions of the physiocrats and Turgot on direct and indirect taxes.

As for government expenditures, Turgot held that there was a direct connection between governmental expenses and public prosperity. He did not question that as the economic development of the state required enlarged expenditure by the government, the taxes to meet growing needs would be more and more easily borne by the people. He had public and private expenditure so closely allied that he could consider no increase of the budget allowable, except in case of dire necessity, until the indebtedness of the state was in process of liquidation. Despite Dr. Oncken's repeated charge of the "Wundermann," greater than Sully and Colbert, who could dare to propose the program "no bankruptcy, no increase of taxes, no

[1] *Income Tax Cases for Federal Government*, 893 and 894.

[2] Seligman, *The Shifting and Incidence of Taxation*, 2d ed., pp. 107 ff.

loans," to a nation already bankrupt,[1] the world will believe that his program did mark a way of escape from the revolution and was in every way a mark of statesmanship such as neither Sully nor Colbert nor any unprejudiced student of public men and public affairs would need feel ashamed to own as their own or as arising from among their people.

The idea of freedom of labor and industry did not originate with Turgot, but his attempt to build these principles into the constitution of a state was the first effort to make these the definitely recognized policies of an established nation. The enunciation by the head of an empire of the inherent and inalienable *droit de travail* marked the beginning of an era in the inculcation of the worth and dignity of labor which is limited only by the leaders of sentiment among the laboring classes. There is a greater willingness among employers than labor leaders care to acknowledge to do for labor more than labor will do for itself. The guilds of Turgot's day were their own enemies, and it was a mercy to abolish them. Labor had no opportunity in the face of organized monopoly, exclusive privilege and arrogant greed. There was no reason in the system; tradition, privileges of long recognition, and assumption of necessary protection to the public were the pleas advanced for their continued existence.

This is no place to make a comparative study of the guild system and of modern labor organizations, but this much ought to be said. The gifted authors of Industrial Democracy[2] and other apologists for labor unionism may establish the theories of minimum wage for average work as the claim of unionism, but the bald fact is conspicuous in these days that the practice of the unions does not always conform to such excellent theories. Opposition to the unions of labor as such is so rare in this country as to be prominent because it is exceptional; but

[1] Oncken, *Geschichte der Nationalökonomie*, pp. 446, 481.

[2] Webb, S. and B., *Industrial Democracy*.

it must be confessed that the unions are not infrequently yielding themselves more and more largely to the same spirit that animated the guilds of masters in the *ancien régime*, and by so doing are to that extent repeating the industrial conditions which produced the revolution in France. A minimum of work for a maximum wage, intolerance, arrogance and greed are more dangerous on the part of labor than the corresponding vices on the part of capital, for capital is amenable to law. The selfishness of labor conjoined with the selfishness of capital is a public menace. Defiance of law, disregard of public interests, and refusal to meet the *duty* which every *right* implies are only so many invitations to destiny to work the same ends as Turgot wrought in part for the guilds, and as the revolution finally accomplished. All labor and all capital will probably be organized; how long the organizations will endure will depend upon the spirit which animates them: there is always a limit, even to an enlightened public opinion. There are some sinister manifestations of recent development which cause the best friends of labor unions much concern. Public opinion bears more directly and more definitely on organized capital than on unions of labor. As creatures of law corporations are more amenable to the will of the public. The "timidity" of capital makes it more sensitive to pressure from without. The dangers of capitalistic greed are not to be compared in countries of enlightenment to the dangers which lurk in intangible and irresponsible unions of masses to whom the same greed appeals with even greater force and whose action is too frequently swayed with impassioned prejudice.

These observations are only to affirm the constant danger that in contending for the right of organized labor the right of the individual laborer may be lost from sight; that in affirming the right to be given labor and to receive the whole product of labor the right of the individual to work when, where and for whom he pleases may be denied. It is not at all improbable that "the inalienable *droit de travail*, the most sacred and most

imprescriptible of all," may need new, sharp and unmistakable definition by the authority of public opinion.

Side by side with the first official pronouncement of this right lay the utterance of freedom as essential to traffic in the necessities of life. The elaboration of the Corn Laws by Turgot was as complete and adequate as anything produced in the tremendous agitation which swept over England half a century later. There was the same negative appeal against arbitrary interference, and the positive affirmation that consumption would regulate supply. There was the same appeal to economic law as adequate for the provisionment of the people and alone sufficient to establish the equilibrium between wants and satisfactions that constitutes the weal-relation of man to man and of man to nature. These arguments of Turgot are as timely and pertinent to-day as when they were uttered.

Turgot had to contend against the long-established practice of government to regulate supply by arbitrary enactments. And the same arguments he used to combat this custom would urge government to protect both supply and demand from the arbitrary regulations of organizations of capital. Freedom of traffic always implies protection of traffic freed. Here again the arguments of this statesman-economist become immediately relevant.

Governmental interference in matters of subsistence is so far regarded as impolitic that government protection of the same free play of the laws of supply and demand is disputed. Free competition, it is contended, implies the right of the strong to absorb or to crush the weak. Cut-throat competition culminated in the United States in 1888 and has been followed by a period of concentration so revolutionary in character that only now has the problem become of national importance and interest—the problem of government control of trusts or a trust-controlled government. Moreover, the necessities of life have so widened in scope and character that the problem involves much besides corn laws. Congested

populations finding relief along lines of travel have brought the transportation of laborers into the category of necessities of life, and the defence of public interests against private or corporate interests in common carriers is as imperative as non-interference with normal laws of trade and traffic in articles of subsistence.

The limits of freedom are the destruction of the freedom of others; the limits of competition are the destruction of competition, and it seems not improbable that for the protection of freedom, and the assurance of a healthy competition, the fulfilment of the arguments for free trade enunciated more than a century and a quarter ago, the government may ultimately be forced to take over the control, if not the ownership, of transportation lines, and to establish definite control of corporations whose objects of trade are vital to the well-being of the people.

The argument of Turgot for publicity as a check on administrators has been repeated recently by the president of our nation as a necessary check on the operations of corporations. Whether publicity would have served the purpose Turgot had in mind we have no means of knowing. But it is significant that arguments of a past age which dealt with problems peculiar to government are now urged by economists and administrators as applicable to organizations within the government. While publicity may not accomplish all that is needed, the work of the new Department of Commerce with its Bureau of Corporations will be watched with expectant interest.

The only economic doctrine of Turgot which remains to be noticed here, is his argument against economic privileges on the ground that they were inimical to the interests of the state and a source of obvious weakness to it.

His arguments seem so sound and his conclusions so reasonable that one can only wonder that they are not universally accepted. It is plainly to the advantage of a state to grant economic privileges, either in the way of tax exemptions or tariff privileges, to industries of increasing returns, since the

economic waste incident to the establishment of such industries will be more than offset by the economic profit of the industrial process when it has passed out of the period of helplessness. But although the privileges against which Turgot contended were personal and not industrial, though they were incapable of becoming anything other than a constantly growing burden to the state, when once they had become intrenched in the political constitution of the state, they held to their advantages with the same indifference to consequences which lay outside themselves that characterize *privilégiés* in all nations and in all times.

Had the privileges of the clergy and the nobility been social only, or political, Turgot would have left them unmolested. But, as he set forth in the discussion with M. Miroménil, they had become so numerous and constituted so great a burden, both by the loss of revenue which the state must secure from some source and by the accumulating expense which the support of the *privilégiés* cost the court, that their continuance had become an impossibility.

Looked at from this standpoint, it is an open question if his failure as a minister was due to his lack of political adroitness, as M. Levasseur and others state.[1] It seems more probable that the failure of his plans was due to the circumstances which lay without him, and to the tenacity and relentless greed in the powers which had been suffered to exploit both government and subjects to their personal ends.

The French Revolution was at bottom an economic revolution, accomplished through fury and passion, carrying much with it which might well have been left. Economic privileges by which the masses were exploited for the profit of the few, arbitrary interference with freedom of trade in the necessities of life and with the freedom of labor—these were the underlying causes of that crisis. Turgot saw it and labored above all his fellows to avert the crash. His arguments are timely until to-day.

[1] Levasseur, *Histoire des Classes Ouvrières*, p. 635.

PART III

SIX PROJECTS OF EDICTS

TOGETHER WITH EXPLANATORY PREAMBLES ENACTING SUNDRY REFORMS

Published in February, 1776, and registered at a Lit-de-Justice on the 12th day of March of the same year.

EDICT OF THE KING

WHICH SUPPRESSES THE CORVÉE AND DECREES THE CONSTRUCTION OF HIGHWAYS FOR A MONEY PRICE (FEBRUARY, 1776)

Louis, etc., The utility of roads designed to facilitate the transport of commodities has been recognized during all time. Our predecessors have regarded their construction and repair as one of the most worthy objects of their vigilance.

Never have these important works been prosecuted with greater ardor than under the reign of the late king, our venerated lord and grandfather. Many provinces are reaping the fruits of these activities in the rapid increase in the value of their lands.

The protection we owe to agriculture, the true foundation of plenty and public prosperity, and the favor we will to accord to commerce as a further encouragement to agriculture, cause us to seek to bind more and more by facile communications all parts of our realm, both among themselves and with outside districts.

Desiring to secure these advantages to our people by the means least burdensome to them, we have investigated carefully the means which have been employed heretofore for making and repairing public roads.

We have noted with pain that, with the exception of a small number of provinces, works of this kind have been executed, for the most part, by means of corvées required of our subjects, and even from the poorest part, while they have been paid no wages for the time they were so employed. We have been

unable to escape being struck by the discomforts inherent in the nature of that contribution.

To draft the cultivator forcibly to these labors is always to do him a real wrong, even when he is paid for his day's work. One would seek in vain to select, for demanding forced labor, a time when the peasants were unoccupied; the work of cultivation is so diversified and so incessant that no time is without its employment. Such times, when they do exist, differ in contiguous places, and frequently in the same place, owing to the varying nature of the soil, or different kinds of cultivation. The most attentive administrators cannot know all these variations. Besides, the necessity of assembling under foremen a sufficient number of laborers demands that the summary writs be general in the same district. Error on the part of the administrator may cause to the cultivators a loss of days for which no salary could repay them.

To take the time of the laborer, even for pay, is equivalent to a tax. To take this time without paying for it is a double tax; and that tax is out of all proportion when it falls on a simple day laborer who has nothing for his subsistence but the labor of his hands.

The man who works under compulsion and without recompense works idly and without interest; he does, at the same time, less work, and his work is poorly done. The peasants (*corvoyeurs*), obliged to travel frequently ten miles or more to report to the foreman, and as much more to return to their homes, lose a great part of the time demanded from them, without any labor return for it. The multiplied complaints, the embarrassment of tracing out the work, of distributing it, of executing it with a lot of men gathered hap-hazard, most of them as devoid of intelligence as they are of initiative, consume a further part of the remaining time. In this way the work which is done costs the people and the state, in day's labor of men and vehicles, twice and often three times what it would cost if done for a money consideration.

The little work wrought so dearly is always poorly done. The art of making stone ballasts, although simple, has, nevertheless, principles and rules which determine the manner of laying out the embankments, of choosing and laying out curbs, of placing the stones according to their bulk and durability, and in accordance with the nature of their composition by which they are rendered more or less susceptible of resisting the weight of vehicles and atmospheric influences. On the attentive observation of these rules depend the solidity and durability of the roads; and that sort of attention cannot be looked for, nor can it be demanded, from the men who are drafted to the corvée, who have, all of them, a different business, and who work on the roads only a few days in each year. In work paid for in money, all the details which pertain to the perfection of the work are specified to entrepreneurs. The laborers whom they choose, instruct and oversee, make the construction of roads their regular business, and they know it; the work is well done, because if it is done poorly the contractor knows he will be obliged to reconstruct it at his own expense. The work done by the corvée remains poorly done, because it would be too harsh to demand from the wretched peasant a double task, to repair the imperfections committed through ignorance. As a result, the roads are less solid and more difficult to repair.

There is a further cause which makes the work of repair done by the corvée very much more costly.

In places where these labors are based on a money consideration, the entrepreneur charged with keeping a part of the road in repair, watches closely for the slightest disintegrations; he repairs them at small cost at the moment they are forming and before they are greatly increased; consequently the road is always in good condition and never requires costly repairs. The roads, on the contrary, which are kept in repair by the corvées, are never repaired until their grievous condition is forced upon the attention of the persons charged with keeping the roads in repair.

As a result of this, it happens that on these roads, made in the first place, as is usual, of embankments of large stones, and very crude from the beginning, the vehicles always follow the same track and wear ruts which frequently cut entirely through the ballast.

The impossibility of issuing writs of corvée at all times brings it about in most of the provinces that the repairs needed for maintenance are made twice a year, before and after the winter season, and that between these times the roads come to be in wretched disorder. It is necessary to secure new stone entirely for the work of repair; hence, aside from the inconvenience of making each time a ballast as unsatisfactory as a new one must ever be, there is involved an annual expense in days' labor of men and of carts, approaching very near the first cost of construction.

Any industry which requires such intelligence is impossible of being carried on by means of the corvée. It is on this account that in making roads by that method we are obliged to confine ourselves to embankments constructed of ill-assorted stones, without being able to substitute a ballast of paving stones when the nature of the stones demands it or when their scarcity and the distance from which they must be brought render the construction by paving incomparably cheaper than that of general stone ballasts, which consume a very great quantity of stone. That difference in price, frequently greatly to the disadvantage of stone ballasts, is an increase in the actual expense and in the burden resting upon the people which results from the custom of the corvée.

There must be added a multitude of accidents: the loss of animals which, arriving at the place of work already exhausted by long travel, succumb to the labor demanded of them; the loss even of men, heads of unfortunate families, maimed, consumed by the maladies which the intemperance of the season occasions, or by the work itself; a loss most sad when those who perish succumb to a hazardous demand, and who have been compensated by no salary whatever.

There must be added further the expenses, the law costs, the fines and penalties of all kinds which are made necessary by resistance to a law too harsh to be executed without complaint; perhaps the secret vexations which the greatest vigilance of those who are charged with the execution of our orders cannot entirely avoid in an administration so extensive and so complex as that of the corvée, and where distributive justice goes astray in a multitude of details; where authority subdivided, so to speak, to infinity is shared among so great a number of hands, and entrusted in its final analysis to subalterns whom it is almost impossible to choose with careful discretion and very difficult to oversee.

We believe it impossible to appreciate all the corvée costs the people.

By substituting for this system, so burdensome in its effects and so disastrous in the means employed, the custom of constructing highways for a sum of money, we will have the advantage of knowing precisely what will result to our people; the advantage of drying up at once so prolific a source of vexations and rebellion; the advantage of having no longer to punish nor to command to that end, and of economizing the exercise of authority, which it is so disastrous to squander. These different motives are sufficient to move us to prefer to the use of the corvée the more pleasant and less costly means of making roads at a definite money cost. But a still more powerful and decisive motive fixes our determination: it is the injustice which is inseparable from the use of the corvée.

The weight of that charge does not fall, nor can it ever fall, anywhere else than upon the poorest part of our subjects, upon those who have no property other than their hands and their industry, upon the peasants and on the farmers. The landowners, almost all of whom are *privilégiés*, being exempt, contribute but very little.

Nevertheless it is to the landowners that the public roads are useful, by the value which increased channels of communi-

cation give to the products of their lands. It is not the actual farmers nor the day-laborers who work for them that are profited. The successors of the present farmers will pay to the proprietors that increase of value in increase of rents. The class of day-laborers will gain, perhaps, some day an increase of wages proportionate to the increased price of commodities; they will profit by participating in the general increase of public welfare; but the class of landowners alone will receive a prompt and immediate increase of wealth, and that new wealth will not be scattered among the people except in so far as the people will purchase it through increased labor.

It is then the class of proprietors of land which receives the fruit of the construction of roads; it is that class which ought alone to make the necessary advances, since they finally secure the benefits.

How can it be just to compel those to pay it who have nothing? to force them to give their time without wages? to take from them their only resource against misery and starvation in order to set them to work for the profit of those citizens who are richer than they are?

A wholly opposite error has often led the administration to sacrifice the rights of proprietors, in the mis-directed desire to relieve the poorer part of the subjects, in compelling them by prohibitive laws to give up the commodities in their possession for less than their actual value. Thus injustice was worked, on the one hand, against the landowners in order to procure bread at a low price for the wage-workers; and on the other, in favor of the landowners, these unfortunates were robbed of the legitimate fruit of their toil and sweat. It was feared that the cost of subsistence would be too high for them to obtain it by their wages; and the government, demanding from them for nothing a labor, which would have been paid for if those who profited by it had borne the expense, took away from them the medium of competition best calculated to make their wages reach their proper level.

It has injured equally the property and liberty of different classes of our subjects; it has impoverished now one and now the other in order unjustly to favor each in turn. It is thus that one is misled when he forgets that justice only can maintain the equilibrium between all rights and all interests. This will be throughout the basis of our administration; and it is in order to render justice to the most numerous part of our subjects, whose especial need for protection will always command our most particular attention, that we have made haste to bring to an end the corvées in all parts of our realm.

We have not, however, wished to yield to the promptings of our heart without first having examined and appreciated the motives of our predecessors, by which they have been led to introduce and to suffer to subsist a custom, the embarrassments of which are so evident.

It may have been thought that, since the method of the corvée made it possible to work at once on all routes in all parts of the kingdom, communication would be more quickly opened, and that the state would enjoy more promptly the wealth due to the activity of trade and to the increase in the value of the articles produced.

Experience has not been slow to dispel that illusion. It was quickly seen that some of the sparsely populated provinces were precisely those where the construction of highways, owing to the nature of the country and of the soil, required immense labors which one could not flatter himself he might accomplish with a small number of hands without keeping them at it for more than a century, perhaps.

It was seen that, even in the more populous provinces, it was impossible, without crushing the people and ruining the fields, to draft peasants a sufficient number of days to complete within a short time any considerable part of the road.

It was proved that the peasants could not give their time advantageously without being directed by intelligent employés, whom it was necessary to pay; that to furnish the necessary

utensils, to keep them in repair, to meet the cost of shops and store-houses, involved expenses proportionate to the number of men annually employed.

It was discovered that, on a fixed length of roadway built by corvée, many indispensable pieces of work had to be done, such as bridges, rock escarpments and walls of earth, which could be accomplished only by skilled workmen and for a price in money; that consequently it was fruitless to hasten the construction of works of corvée, if the impossibility of accelerating in like proportion the skilled work left the roads broken and useless to the public.

We are convinced, in short, that the quantity of the work accomplished annually by corvée has a necessary relation to the quantity of skilled work which the disposition of the fund for bridges and culverts permits to be done each year, and that it is impossible and useless to pass beyond this proportion; that one flatters himself in vain that all the roads may be made at once, and that the pretended advantage of the corvée is reduced to the possibility of beginning a large number of roads at the same time, without actually accomplishing any more work than could be done by the method of constructing them by contract, by which one part is not undertaken until another is finished and thrown open to the enjoyment of the public.

The present condition of the roads in most of our provinces, and what remains to be built after all these years during which the corvées have been vigorously enforced, prove how false it is that that system can hasten the construction of highways.

Some, also, are dismayed at the expense involved in the construction of roads by contract. It is not believed that the treasury of the State, drained by many wars and the extravagance of former reigns, and charged with an enormous debt, will be able to provide for that expense. Some fear to impose further taxes on the people, already too heavily burdened; and it is deemed preferable to demand from them gratuitous labor, imagining that it is better to demand from the country people,

during certain days, the hands they have rather than the money they have not.

Those who reason thus forget that they must not demand from those who have nothing but their hands either what they have not or the hands which are their sole means of support for themselves and their families.

They forget that the charge for building roads, doubled and tripled by the sluggishness, the loss of time and the imperfection inherent in corvée labor, is incomparably more heavy upon the unfortunates who have nothing but their hands, than would be a charge, incomparably less, imposed in money upon the proprietors who are able to pay; who, by the increase of their revenue, would immediately reap the fruits of that outlay, and whose contribution, becoming to them a source of wealth, would at the same time relieve those men who, having nothing but their hands, can live only as those hands are employed and paid. They forget that the corvée is itself a tax, a tax most heavy, most unequally apportioned, far more disastrous than that which they dread to have established.

The facility with which roads have been made by contract in some of the states-districts, and the relief experienced by the people in certain *généralités* of assembly districts, where the administrators substituted for the corvée a contribution in money, have demonstrated clearly enough how preferable that contribution is to the inconvenience which accompanies the use of the corvée.

Another very obvious reason has doubtless greatly influenced the decision which has been made to adopt the method of the corvée for the construction of highways, and that is the fear that the recurring needs of the Royal treasury would impel the administrators to divert from their destination the amounts imposed for the making of roads to some more urgent item of expense, especially in time of war; that the sums, once diverted, would remain so, and that the people might one day be forced, at the same time, both to pay the tax designed

originally for the roads and to provide in some other manner, perhaps even by the corvée, for their construction.

The administrators themselves have feared this; they have wished to be so placed that it would be impossible to commit an infidelity of whose danger all too many examples have made them sensible.

We commend the motives of their fear, and we appreciate the force of that consideration; but it in no way changes the nature of things; it does not make it just to demand a tax from the poor to enrich the wealthy, and to compel those to sustain the construction of highways who have no interest in them.

All concede that in the time of war the first of all needs is the defence of the state; it is necessary then, it is just, to suspend all expenses which are not of absolute necessity; the outlay for the roads should be reduced to repair merely. The tax designed to provide for that expense should be reduced in proportion to relieve the people charged with extraordinary taxes occasioned by the war.

In time of peace, the interest the sovereign has in causing commerce and tillage to flourish, and the necessity of roads to secure that end, ought to allay the fear that the works will be abandoned or that new sums proportionate to the needs will not be provided by the re-establishment of the tax suspended on the occasion of the war. Nor need there be any fear that so simple a method would be abandoned in favor of a re-establment of the corvées, if the latter had once been abolished because they were recognized to be unjust.

On our part, the exposition we have made of the motives which have led us to suppress the corvée guarantees to our subjects that they will not be re-established during our reign; and perhaps the memory which our people will cherish of this testimony of our love will give to our example, in the eyes of our successors, an importance which will prevent them from reimposing on their subjects a burden which we have abolished.

Further, we will take all measures in our power that the sums arising from the tax levied for the construction of highways cannot be diverted to other uses.

In this mind, we have wished that that tax should never be regarded as an ordinary tax and of fixed amount, and that it can never be turned into our royal treasury. We will that it be regulated each year in our Council, for each *généralité*, and that it shall never exceed the sum which it will be necessary to employ in that year for the construction and repair of causeways or other works which have hitherto been made by corvée, while we reserve the right to construct bridges and other works of skill by the same funds which have been so used until the present, and which are imposed in our kingdom for that end. Our intention is that the whole sum arising from the contribution in each *généralité* may be used there, and that no sum may be imposed the following year except in consequence of a new edict decreed in our Council.

In order that our subjects may be informed of the objects for which the said contribution will be employed, we have deemed it proper to ordain that a writ shall be prepared in our Council, in the ordinary form, showing all the contracts for works which it will be necessary to undertake in the year; that that writ shall be deposited, both in the office of our Bureaux of Finance which are charged with the execution of the edicts of the king, and in those of our Courts of parlement, Chambers of Accounts and Courts of Aides, and that each of our subjects may have free access.

We have willed that in case the sums be not used in the year, the sums remaining for use be deducted from the levy of the following year, without being confused, under any pretext whatever, with the mass of our finances and turned into the royal treasury. We have believed it necessary also to order, by the present edict, the accounting of the sums arising from that contribution, both by our Chambers of Accounts and by our Bureaux of Finance, and of engaging the fidel-

ity those tribunals owe us to permit at no time any use of those sums foreign to the object for which we have destined them.

By the reckoning we have made of the roads to be built and repaired in our different provinces, we believe we are able to assure our subjects that the expense of that object will in no year exceed the sum of *ten millions* for all the assembly-districts.

That tax, having for its object an expense useful to all proprietors, we will that all proprietors, privileged and non-privileged, concur in it as is customary in all local charges; and for that reason, we intend that even the lands of our domain may not be exempt, either in our hands or in the hands of others, by whatsoever title they may be held.

The same spirit of justice which moves us to suppress the corvée and to charge the expense of making roads to the proprietors who have an interest in it, determines us to provide for the legitimate indemnity of proprietors of heritages, who are deprived of some part of their property, whether by the laying out of roads or by the extraction of material which must be used. If the necessity of public service obliges them to surrender some part of their goods, it is just that they should suffer no damage, and that they should receive the price of that part of their property which they are obliged to surrender.

For these reasons, etc., by advice of our Council, etc., we have, by the present edict, perpetual and irrevocable, decreed, enacted and ordained, etc., as follows:

Article I. There will no longer be demanded from our subjects any labor, either gratuitous or forced, under the name of *corvée*, or under any other name whatever, for the construction of roads or for any other public work, except in case that the defense of the country in time of war demands extraordinary labors; in such case it will be provided by virtue of our orders addressed to governors, commandants, or other administrators of our provinces. We forbid, in every other circumstance, all those who are charged with the execution of our orders, to

command or require it, reserving to ourselves the right to pay those who are compelled by circumstances, in such cases, to be taken away from their ordinary work.

Article II. Works hitherto accomplished by corvées, such as the building and repair of roads, and other works necessary to communication between the provinces and cities, will be carried out in the future by means of a contribution from all proprietors of landed property or real estate subject to twentieths, and the apportionment will be made in proportion to their payments according to the regular tax lists.

Article III. With regard to the construction of bridges and other works of skill, provision will be made from the same funds which have been used for this purpose heretofore.

Article IV. We will that the proprietors of land and of structures which it will be necessary to cross or demolish in the building of roads, as well as those who may be injured by the extraction of material from their property, may receive the value of the said lands, heritages or injuries; and they will be paid by the funds arising from the tax decreed by article II herein.

Article V. The amount of tax in each *généralité* shall be regulated each year by the cost of construction, repair and damages which we will ordain in the said *généralité* in that year; to this end there shall be each year a separate writ decreed by our Council which shall include all the said expenses.

Article VI. Estimates and specifications shall be prepared, contracts for the said work and bills for their repair shall be drawn up in the form which will be prescribed; and the writ ordained by us in our Council, mentioned in the preceding article, shall include the amount of the said contracts and bills; reserving to ourselves and to our Council, as in the past, the control of routes, estimates, contracts, and all the clauses, appurtenances and provisions which they may include.

Article VII. A report shall be made to us in our Council

each year, of the employment of the sums arising from the tax ordained; and in case the sum shall not be entirely consumed, mention shall be made of this fact in the writ of the following year, and the sum which has not been employed shall be deducted from the tax of the said following year. On the contrary, in case some unforeseen cause requires an expense which had not been included in any of the contracts, an account shall be made of it, and if that expense is approved by us, it will be included in the writ ordained for the following year.

Article VIII. As soon as the said edict shall be promulgated by us, four copies of it for each *généralité* will be deposited, one in the office of our Court of parlement, the second in that of our Chamber of Accounts, the third in our Court of Aids, and the fourth in our Bureau of Finance of the *généralité*, with the intent that all persons of whatever quality or condition they may be, may have access to it without cost or inconvenience; and the said writs will serve as a basis for the reports made to the Chamber of Accounts by our Treasurers, as will be explained in Articles X and XI.

Article IX. The recovery of the sums arising from the said tax, ordained by article II of the present edict, will be made in the same manner as that of the twentieths.

Article X. The sums collected shall be remitted to the ordinary receivers of taxes, who shall withhold from the receipts, month by month, a deduction of four deniers per livre of these taxes, which shall be turned into the hands of the commission of treasurers established by us for the control of bridges and culverts in each Généralité, and that commission shall deliver the said amounts to the contractors of these works, in the form which will be prescribed by us. The said sums may not under any pretext whatever be diverted to any other use or even turned into our royal treasury.

Article XI. The said treasurers will not be discharged finally of the said sums except on the delivery of the receipts of the contractors. We make express inhibition and prohibition to

the commission of the said treasurers against paying out the said sums for any other purpose whatever, on penalty of being compelled to recover the entire sum which they would have paid according to the dispositions of the present article. We enjoin upon our Chamber of Accounts and our Bureaux of Finance, each according to its duty, to hold exactly to these instructions.

Thus we give by commandment, etc.

DECLARATION OF THE KING

WHICH REPEALS CERTAIN RULES CONCERNING WHICH THE LETTERS-PATENT OF NOVEMBER 2, 1774, HAD TREATED; SUPPRESSING ALL TAXES ESTABLISHED IN PARIS ON WHEAT, MÉTEILS,[1] RYE, FLOUR, PEAS, BEANS, LENTILS AND RICE, AND MODERATING THOSE ON OTHER GRAINS AND GRAIN PRODUCTS.

LOUIS, etc., One of the first duties we felt we owed to the felicity of our peoples was to assure their daily subsistence by recalling, by the decree of our Council of September 13, 1774, and the letters-patent expediting the same of November 2 following, to its true principles legislation concerning the trade in grain. We desire that these principles be exposed clearly and in detail, in order to make known to our people that the surest means of procuring abundance is to maintain free circulation, so that the commodities may pass from places of abundance and supply to those of want and demand; to protect and to encourage the trade so that the doors will more surely be open to the places where there is the greatest consumption and a more certain market.

We have had the satisfaction of seeing the measures we have taken justified by experience, even in the midst of popular prejudice, of the inquietudes and annoyances arising from these prejudices, and of devastations committed by an ignorant or deluded populace. After an unusually poor harvest, the inadequacy of which was attested by the amount of new grain which provisioned the markets, even before the following harvest was garnered, and despite the disarrangement and cessation of trade which the renewal of old rules that are contrary to

[1] Mixed grain.

liberty wrought in the speculations of dealers, and the interruption of the trade in grain which resulted from these regulations during many years, the commodity, nevertheless, was not lacking; the afflicted provinces were relieved by the resources of those which were better supplied; a considerable quantity of grain was imported into the realm; and the price, though higher than we could have desired, was not so excessive, however, as we have often seen it under the prohibitive régime, even in years when the harvest was generally much better than that of the year 1774.

At least, a better harvest restored abundance. We may not hasten too quickly to turn to advantage these days of tranquillity and complete the removal of all obstacles which may yet retard the activity and progress of commerce, in order that, if crop failure afflicts our provinces anew, our people may find resources prepared in advance against famine, and that they may not be exposed longer to the excessive variations in the value of grains which destroy all semblance of proportion between the level of wages and the cost of subsistence.

Great cities, and especially capitals, naturally attract abundance by the wealth and number of consumers. Our good city of Paris seems in particular to be destined to become the *entrepôt* of a most extensive trade.

The rivers Seine, Yonne, Marne, Oise and Loire, by the canals of Briare and Orleans, establish ready communication between this city and the most fertile provinces of our kingdom; they offer a natural passage by means of which the wealth of all the provinces should circulate freely and be distributed among them; the vast extent of the consumption of Paris includes necessarily a great part of commodities of all kinds, if nothing arrests them in their course; it would even have at its disposal all the commodities which a free commerce would be impelled to secure for it and turn into it from all contiguous provinces.

Nevertheless, we admit with regret that the provisionment

with grain of our said city, far from being abundant and ready as it would be in a state of free circulation, has been for many centuries an object of sore care for the government and of solicitude for the police, and that these attentions have tended only to repress the commerce entirely.

In giving our letters-patent of November 2, 1774, we proposed to ourselves to seek out, by the most rigid examination of the separate police regulations of our said city of Paris, the causes which set themselves in opposition to the facility of its provisionment, as we announced by article 5 of the said letters-patent our intention to ordain concerning those rules by a new law.

We have had before us accordingly the ordinances, decrees and regulations of police pertaining to the trade in grain and the provisionment of Paris.

We discover that in calamitous times of trouble and civil war, in the centuries when commerce had no existence, and its principles could not be known, the kings, our predecessors, Charles VI., Charles IX., and Henry III, promulgated some ordinances covering that matter; that, without the concurrence of royal authority, many police rules have been added to form a body of legislation equivalent to a prohibition of bringing grain into Paris; that custom and precedent have maintained it, and sometimes confirmed it; that, even when government began to bring to bear on that object a more enlightened attention, vigorous claims were made for the conservation of that police; that it has been preserved as if it had been the safeguard of the facility of subsistence.

That officials, created at different times in connection with the market and port, were charged with the oversight of its execution, and were nevertheless authorized to collect taxes which further injured the sale of grain.

That, finally, for some few years, a tax has been laid on that trade for the construction of a market and warehouse.

Thus, in combining the different effects of the police

designed to assure the necessities of life in Paris, it results that not only do the taxes of various nature increase the price of grain and flour, but that these regulations prevent their abundance, and that all parts of this legislation are so mutually contradictory and so opposed to their object, that the one indispensable thing required to reform them is to expose, by the simplest statement, these regulations and their effects.

An ordinance of February, 1415, renewed by a decree of August 19, 1661, forbids any one to store or to remove the sacks of grain or flour arriving by land, to unload, to store in granaries or *magasins*, or even under awnings, the same commodities arriving by water; as a result, according to these regulations, they have to remain exposed to the atmosphere, to the rain and the damp, which destroys them. The same decree of 1661 forbids accumulating any store of grain, and allowing it to be stopped in the places where purchased, or at the ports of lading, or on the roads by which it should arrive.

These combined restrictions prevent Paris from having any means of keeping a supply of grain and flour within its borders or of having any supply in its environs.

The same ordinance of 1415 imposes on the merchants who bring grain to Paris the obligation to sell before the third market day, on penalty of being compelled to sell at the lower price of the preceding markets; and the decree of August 19, 1661, and the Ordinance of Police of March 31, 1635, after having taken away from all merchants the privilege of making any purchase in Paris, forbid in like manner all bakers from purchasing more than two hogsheads of wheat at a single bargain.

Thus the same police, by its contradictory dispositions, forces the sale and forbids the purchase.

By conforming strictly to that police, the capital could never have provision for more than eleven days' consumption; for the interval between three markets is only eleven days, and, on one hand, the merchants, assured of not having free disposi-

tion of their commodity after that interval, and of being forced, perhaps, to sell at a loss, would bring into Paris only the grain necessary for eleven days' subsistence; while on the other hand, the city could have no provisions in its private *depôts*, since they are prohibited there; nor even in the bake-shops, since they are forbidden to buy more than two hogsheads of grain.

If that police be observed, every time that high or low water, or ice and snow interrupted navigation or land travel for more than eleven days, the inhabitants of Paris would wholly lack subsistence in the most fruitful years, and in the midst of the abundance which the rest of the kingdom enjoys.

A decree of Parlement on August 23, 1565, forbade grain merchants, on penalty of corporal punishment, to export from the city, either by land or by water, going either up or down the river, the grain they had brought into it; two ordinances of police, of 1622 and 1632, added to the rigor of that decree by forbidding the purchase and the removal of any grain for a greater distance than ten leagues from Paris, on penalty of confiscation and arbitrary fine.

These dispositions tend to banish trade in grain from the city of Paris, where the *négociant* is deprived of liberty and almost of the property right in his commodity, and especially of the allurement, so essential to trade, of being able to take it where there is hope of receiving profit; that police informs him that he can neither enter the city nor pass within the *arrondissement* of ten leagues, and that space becomes an insurmountable point of separation between all the provinces which might have profited by the advantages of navigation, for their mutual succor; in this way Bourgogne and Champagne, having an over-supply of grain, cannot relieve Normandy afflicted by famine, for the sole reason that the Seine traverses Paris and its *arrondissement:* in the same way scarcely any relief could be brought from Normandy to Paris and beyond, by ascending the Seine, until, by our edict of June, 1775, sup-

pressing the offices of privileged merchants and carriers of grain, and abolishing the right of *banalité* of the city of Rouen, we removed the obstacles which intercepted the grain trade in that city.

The police ordinance of 1635, cited above, and confirmed by an edict of 1772, forbade merchants who had begun the sale of a cargo of wheat to increase the price; and by an obvious injustice, the merchant subject to hasards which might have diminished the price at the commencement of his sale could not profit by those which, before the end of that sale, might have made the price more advantageous.

The same rules enjoin further, that all traders who bring grain to Paris shall conduct the sale there in person or by some member of the family, and not by brokers (*facteurs*); it ignored the fact that the laborer can not then abandon the tasks of cultivation, or the trader the care of his business, to follow a part of his merchandise; that neither of them can leave without expense; and that these expenses, having to be defrayed out of their trade, would uselessly augment the price of grains.

The prohibition laid on wagoners (*voituriers*), by the edict of 1661, from selling grain along the road, and even from untying the sacks, on penalty of confiscation, is without object in regard to the trade, which should not be throttled by being bound up with such details; it is inhuman toward those of our subjects who may happen to have immediate and pressing needs; it is still more inconvenient and repulsive to the dealer whom it exposes to anxiety and to unjust punishment, perhaps, if some accident obliges him to touch the sacks of grain which he is conveying.

Finally, the obligation imposed by the same decree of 1661 on those who carry on the grain trade for Paris, to submit their invoices to notaries, to present them to the officials of grain, and to register them in a public record, is a formality contrary to all the customs and interests of commerce, which

demands above all else good faith, secrecy and celerity of transaction; and that law has no other object than to occasion expenses which increase the cost of sales.

It is by such rules that it was deemed most fit in other times, and almost to our day, to provide the subsistence of our good city of Paris. The *négociants*, whose function is that of necessary agents of circulation and who carry abundance unfailingly wherever they find liberty, security and markets, have been treated as enemies who must be harassed on the way and loaded with chains when they arrive; the grain they bring to the city cannot be taken out: but they can neither keep it nor protect it from the ravages of climate and corruption; they are forced to hasty sales; they are estopped from making purchases; the merchant must sell his grain by the third market day or lose control of it; the purchaser can provide for his wants only slowly and in small quantities. Diminution in prices brings a loss to the trader; their increase can profit him nothing; the grain merchants, dismayed by the rigors of the police, are moreover exposed to public hatred; the trade is oppressed, slandered on all sides, and driven from the city; a district twenty leagues in diameter divides the provinces of greatest abundance from each other and from our city; and yet all precautions were forbidden in the interior of the city and the outskirts; they seem even to have conspired against future harvests, by requiring that the laborer quit his work to follow his grain and sell it himself.

That disastrous police produced in former times the effects which might be expected; periods of excessive and protracted scarcity rapidly succeeded years of abundance; these were prolonged without actual famine; they led to violent and dangerous remedies, which only prolonged them because commerce, destroyed by these rules, could offer no help.

Such at least are the effects which our city of Paris experienced in 1660, 1661, 1662, 1663; in the years 1692, 1693, 1694; in the years 1698 and 1699; then in the year 1709, and

later in the years 1740 and 1741, sad times when the price of grain, though moderate in the provinces, was nevertheless excessive in Paris; when the excess of price was determined, not by the effective quantities of goods, but by the greed of a small number of merchants to whom the sale of grain was granted, under a régime which permitted neither trade, nor circulation, nor competition. Only the disregard of these exasperating restrictions, based on the laws of necessity, has been able to make less uncertain the provisionment of our good city of Paris; they were a ceaseless menace of famine and high prices; it was necessary to tolerate resources against frost and floods; to have *magasins* in the district of ten leagues, and even in the interior; to permit the merchants to preserve their grain against climatic conditions, to allow them time to make their sales, and the privilege of employing agents: it is only by the non-execution of the laws that Paris has been able to provide its subsistence.

But the non-execution of such laws is not sufficient to reassure the trade, which their existence continually menaces; it has not recovered its functions; the government, being unable to rely on it, believes it necessary to proceed by itself to secure the provisionment of the capital. It has found that that precaution, reputed necessary, involves the greatest possible inconvenience; that the commerce conducted under its orders admits neither the extent and celerity, nor the economy of the ordinary commerce; that its authorized agents, in all the markets where they appear, bring alarm and sudden rise in prices; that they by reason of their very functions commit many abuses; that operations of that kind completing the discouragement and absolute ruin of ordinary trade, enormously increase the expenses, and by consequence the burdens of our subjects who supply the funds; and finally, that they do not accomplish their object.

It is especially in recent times that the multiplied inconveniences of the laws have been conspicuously apparent. The

declaration of May 25, 1763, seemed to open the way to agricultural prosperity and facility of subsistence, by ordaining that the circulation of grain should be entirely free in all parts of the kingdom; but a multitude of particular and local obstacles thwarted the general intent of the law and embarrassed all communication; they were not yet recalled or removed.

The edict of July, 1764, was in force for only a very short time, when its provisions were changed: that legislation, yet incomplete, needed careful attention; and yet the poor harvests caused every proposed innovation to be regarded with timidity, until the decree of the Council of December 23, 1770, and the letters-patent of September 16, 1771, recalling the prohibitive régime of past centuries, refastened the shackles from which the grain trade was barely disentangled, and surcharged it with numerous and complex formalities which made it impossible.

At that time the inequality of harvests ceased to be the measure of the value of grains; their true price existed nowhere; they were given an excessive value in some places, and moderate and even low valuation in places immediately contiguous. Wheat and rye were lacking in our most frequented ports, and they could be brought from other ports where abundance reigned, only when directed by the Admiralty office. The appearance of some local famine, always at hand, burdens the government with solicitude, with excessive expenses and with compulsory operations which give the people much disquiet and too little real relief; and in the spaces of time when many successive harvests have been sufficiently good, the general price of grain has been higher than in 1775, after the poor harvest of 1774.

The examination of these facts, which are well known to the public, convinces us that only a commerce emancipated from all annoyance and all fear will suffice for all needs, prevent the inequalities in price and the sudden and startling variations which so often come without any actual cause; that

it alone, in case of misfortune, will be able to remedy the actual famines in a way that all government expenditures can never succeed in doing.

Determined to give, on all occasions, proofs to our people of our love for them, and to make what sacrifices their welfare and the facility of their subsistence may demand of us, we will to choose in preference and to make known to them those things of which the utility is most certain and most direct; we purpose to establish abundance within their walls, by repealing the rules which banish it, by freeing grain from the taxes which increase the price and which vex the trade; finally, by delivering it from the troublesome functions of certain offices created to oversee the execution of these rules, and which it is in our mind to suppress, along with other offices of the same kind, by our edict of this month.

We are determined to exempt from all taxes and to grant the enjoyment of absolute immunity to wheat, *méteils*, rye, flour, peas, beans, lentils and rice, destined for consumption by the people of our said city; but, while exercising our beneficence in the present extinction of taxes, we would not forget that it is in our justice to provide for indemnities due by reason of the suppressions which we purpose to ordain.

One part of the duties which are collected on grain has been conceded to the *prévôt* of merchants and aldermen of our good city of Paris, by the declaration of November 25, 1762, for the establishment of a new market and warehouse. The revenue is assigned to the payment of present charges, the acquittal of which will be provided for by us until January 1, 1783, at which time the payment of the claim for market and warehouse should cease, by the terms of the same declaration.

Another part of the same taxes was devoted to the offices of measurers and carriers of grain, established in connection with the market and ports by the edict of the month of June, 1730, and which are included in the general suppression ordained by our edict of this month.

The order effectually to establish the indemnities assured to these offices by our edict requires that we reserve, to be collected to our profit, a part of the taxes, attributed to the same offices, on oats, grain and grain products other than wheat, *méteils*, rye, flour, peas, beans, lentils and rice, and less useful to the subsistence of our people than the kinds we specifically emancipate.

We will, however, to distinguish and to abolish only that portion of the taxes which represents the wages of porters actually employed in the service of the markets; we will continue to collect that part reserved to the officials, as an interest in their finance.

We have no doubt that commerce delivered from all encumbrances and encouraged by our laws will provide for all the needs of our good city of Paris. Therefore a constant abundance and just prices for the necessities of life ought to be the consequence and effect of the reform of a vexatious police, of the protection we accord to trade, of the freedom of communication, and finally, of the absolute immunity from all taxes which increase the price; and the good we shall accomplish for our subjects will be the most grateful recompense for the pains we take in their behalf. For these causes, etc.

Article I. We will that it may be free to all persons, of whatever quality and condition they may be, to bring in and to hold in storage or *magasin*, both in our good city of Paris and in the circumscribing district of ten leagues and elsewhere, grain and flour, and to sell them in such places as shall seem good to them, even away from boats and markets.

Article II. It shall be likewise free to all persons, even to bakers of our good city of Paris, to buy grain and flour at all hours, in such quantities and in such places, both within the said city and elsewhere, as they judge fit.

Article III. Those who have grain and flour, whether in the markets and ports, or in granaries or *magasins* in the said

city of Paris, shall not be constrained to sell them at the third market day, or at any other fixed time.

Article IV. Those who have grain to sell in our said city may also increase as well as lower the price, in conformity with the course of trade, without being compelled, under the pretext of uncovering a pile or cargo of grain, and commencing the sale from one or both, to continue the sale at the same price.

Article V. It shall be equally free to all those who have grain or flour in the said city of Paris to sell them in person or by brokers or agents.

Article VI. Those who carry on trade in grain in our city of Paris, or for it, may not be in any case constrained to submit any declarations, bills of lading or invoices before notaries, or to record them in any public record.

Article VII. It shall be free to all persons to remove, both from the city of Paris and from its circumscribing district of ten leagues, the grain and flour they may have brought in, or which they may have purchased therein, without needing, for that end, any permission.

Article VIII. We have abolished and suppressed, do abolish and suppress the taxes on wheat, *méteils*, rye, flour, peas, beans, lentils and rice, which we have included in the suppression ordained, by our edict of the present month, of different offices created in connection with the ports and markets; all of which taxes on the commodities most necessary to life, we do give and restore to the inhabitants of our good city of Paris. We forbid, under severe penalty, all persons, under pretext of the same, to make any such collection, beginning from the day of publication of our present declaration.

Article IX. We have in like manner abolished and suppressed, do abolish and suppress the tax for market and warehouse levied on wheat, *méteils*, rye, flour, peas, beans, lentils and rice, together with the 8 sous per livre assessed on account of the same tax; and, in consequence of the provisions enacted

by the present article and by the preceding article, the said grain and flour are exempt from all taxes whatsoever in our good city of Paris. We will, furthermore, that the collection of the said tax for market and warehouse, on all other commodities and merchandises which are subject to it, and which are not specifically freed by our present declaration, shall continue to be made for the benefit of the *prévôt* of merchants and aldermen of our good city of Paris, until January 1, 1783, when the said collection should cease, in accordance with the letters-patent of November 25, 1762, by which it was established.

Article X. We have reserved and do reserve (as is herein set forth), to be collected to our profit, the taxes attributed to the offices of measurers and carriers of grain, levied on oats, malt, grains and grain products other than wheat, *méteils*, rye, peas, beans, lentils and rice. We will that the said collection be made at the barriers by the agents and clerks of the Farmer General of our taxes, who shall be held to strict account, in conformity with the provisions of article III of the edict of the present month, enacting the suppression of guilds of officials to whom the taxes have been assigned.

Article XI. We ordain that, under the taxes reserved and designated by the preceding article, a separation be made of that part answering to the wages of labor, which the said officials may have received in connection with the grain in the markets and ports; and that from the day of publication of our present declaration, the said portion shall cease to be collected; and the other part of the same taxes, which we have intended to reserve, shall be collected on the basis of, and in conformity with, the tariff attached under the counter-seal of our present declaration.

Article XII. Provision will be made by us for the indemnity due the said *prévôt* of merchants and aldermen of our good city of Paris, by reason of the extinction ordained, by article IX herein, of the market and warehouse tax on grain and

flour announced in the said article, and from funds which shall be designated by us for that purpose.

Article XIII. Furthermore, our letters-patent, given concerning the commerce in grain on November 2, 1744, shall be executed for our good city of Paris, and for the circumscribing *arrondissement* of ten leagues. We annul all ordinances, edicts, declarations, letters-patent, decrees and regulations contrary to the same.

So given by commandment, etc.

EDICT OF THE KING

ENACTING THE SUPPRESSION OF OFFICES CONNECTED WITH THE PORT, QUAYS, STALLS AND MARKETS OF PARIS. (GIVEN AT VERSAILLES IN FEBRUARY, 1776, AND REGISTERED AT A BED OF JUSTICE ON MARCH 12.)

LOUIS, etc. The resolution we have made to direct our attention to everything which may procure the welfare of our subjects, has caused us to examine the different edicts by which the kings, our predecessors, successively created, suppressed and restored different offices, of which the greater part remain in existence, in connection with the port, quays, stalls and markets of our good city of Paris, and the concessions of various sorts which were alienated to these offices.

We have discovered, by the conditions of the period in which they were created, that they owe their origin to the extraordinary needs of the state in times of calamity, and we are assured that in times more fortunate it has always been proposed to suppress them as burdensome to the people and useless to the police regulations, which had served as the pretext for their creation.

It was in accordance with these motives that the suppression of all offices of that kind which were created since 1688 was decreed by the edicts of May, 1715, and September, 1719, and all these offices remained abolished and suppressed without making any change in public order and police, after the said years 1715 and 1719, until the years 1727 and 1730, when the late king, our honored lord and grandfather, decided to restore them, and did so by the edicts of January and June of the said years.

By article II of the edict of 1730, it was specifically or-

dained that the former incumbents of the offices which had been suppressed might acquire the offices newly created upon the payment of sums fixed by the rôles decreed by the Council: namely, one seventh in money and six-sevenths in liquidation of the former offices, in arrears of the same liquidations, and in supplemental contracts with the city; and with regard to those who had not been incumbents formerly, they were permitted to acquire the offices in like manner upon payment of one-sixth in money and five-sixths in contracts.

The taxes alienated to these offices having been compared, in 1759, with other taxes of the same kind re-established by the edict of December, 1743, and farmed out, it was discovered that there was a great disproportion between the products of these taxes and the finances of the offices. The late king, by his edict of September, 1759, ordained that the offices should be suppressed; that the taxes should be collected to his profit and that the product should be destined to the repayment of so much of the finances of the holders of the offices as was comprised in the sums loaned by them.

That edict announced to the people freedom from many branches of burdensome restrictions, and to the state the recovery of part of its revenue.

New requirements prevented its execution: the edict of March, 1760, permitted the holders of the offices suppressed to continue for a time the exercise of their functions and to enjoy their privileges; it ratified their suppression, however, by postponing the collection which would effect their reimbursement, the time of which was fixed at January 1, 1771, and to be completed in 1782. Circumstances continuing to be contrary to these provisions, it became necessary to provide by the declaration of December 5, 1768, that the beginning of repayment should be deferred until January 1, 1777, and be finished in 1788.

The edict of 1760 and the declaration of 1768, although permitting a temporary enjoyment of their privileges by the

incumbents, did not revoke the suppression decreed by the edict of September, 1759. That disposition remains in full force and ought to be put into execution at the moment when the holders of the offices may receive the indemnity which they have a right to claim by virtue of their warrants (*titres*).

That indemnity, fixed for them by article II of the edict of June, 1730, consists for part of them of one-seventh of their finances in money and six-sevenths in mortgage-contracts on the product of the same taxes; for the other part of them, it consists of one-sixth in money and five-sixths in contracts. Therefore, since the holders of the offices are assured of that indemnity the suppression ordained by the edict of 1760 ought to be in force.

The creditors of the guilds of officials should receive their payment in preference to the officials themselves, because the offices are encumbered and their profits mortgaged.

It is in accordance with our justice to preserve their rights and to assure the capital and interest of the credits which are due to them according to the profits of the taxes alienated to the said offices, until the execution of the arrangements ordained by the declaration of September 5, 1768.

Such an operation is equally advantageous to the officials, to their creditors, and to the people.

Most of the guilds complain that the products they enjoy at present are diminished to the point of being insufficient to acquit them of the charges with which they are burdened. Thus the incumbents of offices lose their value, and their creditors see the security of their credits diminishing and becoming inadequate.

On the part of our subjects, to whom we desire to give, on every occasion, tokens of our affection, their interest requires that the taxes heretofore alienated to these guilds be henceforth reunited in our hand and administered under our order, in order that, during the time that the state of our finances will not permit us to cease collecting them altogether, we may

have, at least, the best opportunity to make them less annoying by effecting in them such modifications and reductions as would be impossible if the existence of offices, continued in actual exercise, furnished pretexts to the incumbents to disarrange by demanding indemnities, the plans we purpose to adopt for the greatest advantage of our people.

For these causes, etc., we have, by our present edict, enacted and ordained as follows:

Article I. Article 1 of the edict of the month of September, 1759, will be executed; accordingly, all offices created by the edicts of January, 1727, and June, 1730, connected with the ports, quays, stalls and markets of our good city of Paris, will continue suppressed, beginning from the day of publication of the present edict. We prohibit those who may be found holders of them, their clerks and officers, from continuing to exercise their functions in the future.

Article II. We except, however, the offices of supervisors, gaugers and measurers, *jurés-vendeurs* and comptrollers of wines and liquors, commission brokers of wines, and others such as have been combined in the domain and patrimony of our good city of Paris, by the declaration of August 16, 1733, and by the edicts of June, 1741, and August, 1744, of which offices the taxes will continue to be collected to the profit of the said city.

Article III. The taxes heretofore attributed to the guilds of officials, the suppression of which we specifically ordain, as well as the taxes combined in our *fermes*, will continue to be collected to our profit by the highest bidder for our taxes (*fermes*) beginning from the day of publication of the present edict and continuing until otherwise ordered by us, with the exception at all times of the taxes united in the domain and patrimony of our city of Paris, mentioned in the preceding article, which it will continue to enjoy as in the past.

Article IV. The proprietors of offices suppressed by the present edict will be reimbursed regularly from funds set apart

for the purpose by us, pursuant to the liquidation provided by the edict of March, 1760, and in the same manner as the finances of the said offices were paid into our casual revenue. Wherefore, those of the said proprietors who acquired the offices by paying one-sixth of the sums in money, will be repaid the said sixth in money, and those who acquired the offices by paying one-seventh only in money, will receive similarly only the said seventh. And with regard to the balance of the finance of the said offices furnished in collaterals, mortgages at 4 per cent. will be delivered to each of the said proprietors, the arrears of which, special effects under the product of the taxes heretofore attributed to them, will commence to run from the day they cease to exercise the functions of the said offices and to collect the taxes, and shall continue until they are wholly repaid.

Article V. Arrears of profits, due by the guilds of officials suppressed by the present edict, will be paid on the same basis as the said profits would be liquidated by the edict of March, 1760, and as the proprietors of the said privileged profits and mortgages on the product of taxes restored to our hand in consequence of the said suppression, will be paid.

Article VI. The balance of the product of these taxes, as well as the funds we shall designate from our finances, shall be used to reimburse the capital sums; namely, by preference, to reimburse the profits now due by the said guild of officials, and subsequently the capital sums of the mortgages we shall give them to complete the finance of their offices. We will that the interest on the sums repaid be employed progressively to augment the sinking funds until the profits of the offices are wholly reimbursed, and that the product of the said taxes or the said interests be not diverted to any other use.

Article VII. We reserve the right to suppress, to simplify or to modify the said taxes reunited in our hand which may seem to us too burdensome to our people, either by reason of their nature or because of the formalities required for their collec-

tion. And if it happens that the product be diminished, the balance will be provided for by us by assigning some other branch of our revenues to the payment of arrears and the reimbursement of the capital due to the said officials and their creditors.

Article VIII. We annul all edicts, ordinances, declarations, decrees and regulations in all that may be contrary to the provisions of the present edict. So given by commandment, etc.

EDICT OF THE KING,

DECREEING THE SUPPRESSION OF CRAFT-GUILDS. (GIVEN AT VERSAILLES IN THE MONTH OF FEBRUARY, 1776, REGISTERED MARCH 12, AT A BED OF JUSTICE)

LOUIS, etc. We owe it to our subjects to assure them the full and complete enjoyment of their rights; we owe that protection especially to that class of men who, possessing nothing but their labor and industry, above all others have the need and right of employing to the limit of their capacity their sole resources for subsistence.

We have viewed with pain the multiplied blows which have been struck at this natural and common right of ancient institutions, blows which neither time, nor opinion, nor even the acts emanating from the authority, which seems to have sanctioned them, have been able to make legitimate.

In nearly all the cities of our realm, the exercise of various arts and trades is concentrated in the hands of a small number of *maîtres* incorporated in a guild, who may, to the exclusion of all other citizens, make or sell the particular objects of commerce of which they enjoy the exclusive privilege; consequently, those of our subjects who, by inclination or by necessity, desire to exercise the arts and trades, may do so only by acquiring the mastership (*maîtrise*), to which they are ineligible until they have passed an apprenticeship as long and arduous as it is superfluous, and after they have satisfied claims and multiplied exactions by which a part of the money they so greatly need to establish their trade or to open their shop, or even for their subsistence, they find consumed in sheer waste.

Those who are so unfortunate as to be unable to meet these

expenses are reduced to a precarious existence under the domination of *maîtres*, condemned to waste their lives in indigence, or to carry on outside their country an industry they might have made useful to the State.

Citizens of all classes are deprived of the right to choose what laborers they would employ, and of advantages competition would give them in the low price and excellence of labor. Often one cannot execute the simplest work without having recourse to many workmen of different guilds, without enduring the delays, the infidelities, the exactions which necessitate or favor the pretensions of the various guilds, and the caprices of their arbitrary and injurious régime.

Thus the effect of these institutions, on the part of the state, is an appreciable diminution of trade and of industrial labor; with respect to a numerous part of our subjects, a loss of wages and means of subsistence; on the part of the inhabitants of the cities in general, complete subjection to exclusive privileges, the effect of which is exactly analogous to that of an effective monopoly, a monopoly of which those who control it against the public are themselves the victims whenever they in their turn have need of the commodities or trade controlled by another guild.

These abuses crept in by degrees. They were originally brought about by the interests of private individuals who established them against public interests. It was only after a long interval of time that authority, possibly deceived, possibly seduced by the appearance of utility, gave to them a sort of sanction.

The source of evil is in the privilege accorded to artisans of the same trade of assembling and combining into a single body.

It appears that when the cities began to be freed from feudal servitude and to be formed into communities, the facility of classifying the citizens according to their profession introduced that custom which was unknown until that time. The differ-

ent professions thus came to be regarded as the private societies of which the general community was composed. The religious fraternities, by drawing more closely the bonds which united them with persons of the same professions, gave them more frequent occasion of assembling and of occupying themselves in the associations, with the interests common to that particular guild; an interest which they pursued with continuous activity, to the prejudice of those of society in general.

The corporations once formed promulgated their rules, and, under different pretexts, came to be authorized by the police.

The foundation of these rules is from the first to exclude from the exercise of a trade any one who is not a member of the guild; their general purpose is to restrict as far as possible the number of masters, and to render the acquisition of a mastership a difficulty almost insurmountable to any except the children of the existing masters. It is to this end that they have contrived the multiplicity of expenses and formalities of admittance, the difficulties connected with the arbitrary judgment of trial-pieces, especially the costly and needlessly protracted apprenticeships, and the prolonged servitude of the journeyman: institutions which have the further object of giving the masters gratuitously, during many years, the enjoyment of the fruits of the labors of the aspirants.

The guilds devote themselves especially to excluding from their territory foreign commodities and labor; they lay great stress on the pretended advantage of excluding from commerce such commodities as are supposed to be poorly made. The pretext led them to demand for themselves regulations of a new kind, tending to prescribe the quality of raw materials, their use and their manufacture; these regulations, whose execution was entrusted to officers of the guilds, gave to them an authority which became a means, not only of more effectually excluding aliens when suspected of infraction, but in addition of subjecting the masters of the guilds to the domination

of leaders, and of compelling them, under fear of being prosecuted as suspected offenders, never to separate their interests from those of the association, and thus making them accomplices in all the manœuvers inspired by the spirit of monopoly animating the leading members of the guilds.

Among these arrangements, unreasonable and carried out to an infinite number of minute rules, but always dictated by the greatest interests of the masters of each guild, is the one which excludes entirely all others than the sons of masters or those who marry the daughters of the masters. They reject, besides, those whom they call *foreigners*, that is to say, those who are born in another city. In a large number of the guilds, to be married is sufficient to exclude one from apprenticeship, and consequently, from a mastership.

The spirit of monopoly which has prompted the contrivance of these regulations, has been able even to exclude women from trades most appropriate to their sex, such as that of embroidery which they may not exercise even for their own account.

We will not pursue further the enumeration of the bizarre arrangements, tyrannical and contrary to humanity and good manners, which fill these obscure codes, conceived by greed, adopted without examination in times of ignorance, and which only need to be known to become the object of public indignation.

These guilds, however, came to be authorized in all the cities, together with all their statutes and privileges, sometimes by the letters of our predecessors, obtained under different pretexts or by means of money which they paid for their confirmation from reign to reign, frequently by the writs of our courts, sometimes by the simple decisions of police or even by custom alone.

At length the custom prevailed of regarding the restrictions put upon industry as common law. The government was accustomed to make a financial resource of the taxes imposed on the guilds and of the multiplication of their privileges.

Henry III. gave, by his edict of December 3d, 1581, to that institution the scope and form of a general law. He established the arts and trades in corporations and guilds in all the cities and villages of the kingdom; he subjected all artisans to the *maîtrise* and to the trade corporations. The edict of April 5th, 1587, enlarged yet more these arrangements by subjecting all merchants to the same laws as the artisans. The edict of March, 1673, purely fiscal, by ordaining the execution of the two preceding edicts, added to the guilds already existing, other corporations unknown before that time.

The Department of Finance sought more and more to extend the resources which it found in the existence of the societies. Independently of the taxes and establishment of the guilds and of new *maîtrises*, there was created in the guilds a class of offices under different names, and those holding the offices were obliged to purchase them by means of loans which they were compelled to contract, and on which they paid the interest with the product of the profits on the duties which were alienated to them.

It was doubtless the allurement of this means of finance which prolonged the delusion concerning the immense injury which the existence of guilds causes to industry, and concerning the blows which it struck to natural right. That delusion has been carried among some persons to the point of contending that the right of labor is a royal right, one that the Prince could sell and that the subjects ought to purchase. We hasten to place beside this another maxim:

God, by giving to men needs and making them dependent upon the resource of labor, has made the right of labor the property of all men, and that property is primary, the most sacred and most imprescriptible of all.

We regard it as one of the first obligations of our justice, and as an act in every way worthy of our beneficence, to emancipate our subjects from all the restraints which have been laid upon that inalienable right of humanity. Where-

fore, we will to abolish the arbitrary institutions which do not permit the indigent to live by their labor; which exclude the sex whose weakness implies greatest needs and fewest resources, and which seem, by condemning it to inevitable misery, to encourage seduction and debauch; which stifle emulation and industry and make useless the talents of those whom circumstances exclude from admission into the guild; which deprive the state and art of all the advantages which foreigners might furnish; which retard the progress of the arts by the difficulties which inventors find multiplied by the guilds, who thus dispute the right to exploit discoveries which they themselves have not made; which, by means of the inordinate expenses artisans are compelled to incur in order to acquire the liberty of labor, by the exactions of all kinds they must endure, by the multiplied penalties for so-called offenses, by expense and extravagance of every sort, by the endless litigations which arise between the different associations because of their respective claims concerning the scope of their exclusive privileges, surcharge industry with an enormous tax, grievous to the subjects and with no corresponding advantage to the state; which, in short, by the facility they afford to members of the guilds to combine among themselves and to compel the poorer members to submit to the rule of the wealthy, become an instrument of monopoly and give rise to schemes whose effect is to increase beyond all natural proportion the price of commodities which are most necessary for the subsistence of the people.

We shall not be deterred in this act of justice by the fear that a multitude of artisans will take advantage of the liberty bestowed upon all and embark in trades of which they are ignorant, and that the public will be inundated with poorly wrought articles. Liberty has not produced such evil effects in places where it has been established for a long time. Laborers in the suburbs and in other privileged places do not work less effectively than those in the interior of Paris. The

whole world knows, besides, how illusory is the police of the craft-guilds, so far as concerns the perfection of work done, and that, all the members of the guilds being moved by the *esprit de corps* to stand by one another, any individual who complains finds himself nearly always condemned, and is harried by prosecution in court after court until he finds the course of justice more intolerable than the object of his complaint.

Those who understand the development of trade know that all important enterprises, whether of traffic or of industry, require the concurrence of two industrial classes, entrepreneurs who advance the raw material and the necessary implements of trade, and simple laborers who work for the account of the first for wages agreed upon. Herein lies the real distinction between entrepreneurs or masters and laborers or journeymen; it is based in the nature of things and does not depend on the arbitrary institution of corporations. Surely, those who embark their capital in a business have the greatest interest to entrust their material only to good workmen; and there is no ground for fear that they will take the risk of employing poor workmen who can only mutilate their merchandise and drive away their purchasers. And it must be presumed, as well, that entrepreneurs will not put their fortunes into a business about which they do not know enough to be able to choose good workmen and to oversee their labor. We have no fear then, that the suppression of apprenticeships, of journeymen and master pieces, will expose the public to unacceptable service.

Nor do we fear that the sudden influx of a multitude of new workmen will ruin the older ones, and give a disastrous shock to business.

In places where business is freest, the number of merchants and laborers of all kinds is limited always, and necessarily in proportion to the need, that is to say, to consumption. It will not pass that proportion in places where liberty is restored.

No new entrepreneur will risk his fortune by sacrificing his capital in a venture where success is doubtful, and where he has reason to fear the competition of all the masters at present established in the enjoyment of the advantage of a settled business and patronage.

The masters who to-day compose the guilds, by losing the exclusive privilege they have as sellers, will profit as buyers by the suppression of the exclusive privilege of all other guilds. The artisans will profit by the advantage of not being dependent, in the fabrication of their articles, upon the masters of many other corporations, each of which claims the privilege of furnishing some indispensable part. The merchants will gain the privilege of selling all the assortments accessory to their chief trade. All will profit especially by being independent of the leaders and officials of their guild, and in having no longer to pay the fees of frequent visits, in having release from a multitude of contributions for wasteful or prejudicial expenses, costs of ceremonies, banquets, conventions, law suits, all as frivolous in their object as they are ruinous by their multiplicity.

In suppressing the guilds for the general advantage of our subjects, we owe it to their legitimate creditors who have entered into contracts with them in the period of their authorized existence to provide for the security of their credits.

The debts of the guilds are of two classes; the one arise from loans made by the guilds, the amounts of which have been turned into our royal treasury for the acquisition of the offices created and now abolished; the other arise from loans they were authorized to make in order to meet their own expenses of all kinds.

The taxes alienated to these offices, and the fees the guilds have been authorized to collect, have been devoted hitherto to the payment of the interest on the debts of the first class, and even in part to the repayment of the capital. The amount of the same profits will continue to accumulate in our accounts, and

the same fees will be collected in our name, to be devoted to the payment of interest and capital of these debts until they are wholly discharged. The part of their revenue which has been used by the guilds for their private expenses, being now released, will serve to augment the sinking fund which we design for the repayment of the capitals concerned.

With regard to the debts of the second class, by the reckoning we have secured of the condition of the guilds in our good city of Paris, we are assured that the amounts they have in bank, or which are due to them, and the chattels they hold and which their suppression will make subject to sale, will be sufficient to discharge what remains to be paid of those debts; and if they are not sufficient, we will provide the balance.

We believe we thus render all justice due the guilds; for we think we ought not repay to their members the taxes required of them from reign to reign, for the right of confirmation or enjoyment. The object of those taxes, which frequently did not come into the treasury of our predecessors, has been attained by the enjoyment the guilds had of their privileges during the reign under which the taxes were paid.

The privilege had to be renewed in each reign. We have restored to our people the sums our predecessors were accustomed to collect for their enjoyment; but we have not renounced the right, inalienable from our sovereignty, of summoning for examination the privileges too readily granted by our predecessors, and of refusing them confirmation if we judge them prejudicial to the welfare of the state and contrary to the rights of our other subjects.

It is for this reason that we have determined not to confirm them, and to revoke expressly the privileges accorded by our predecessors to guilds of merchants and artisans, and to pronounce that revocation general throughout our kingdom, because we owe the same justice to all our subjects.

But that same justice requires that at the moment when the suppression shall be effected provision be made for the pay-

ment of their debts, and since the explanations we have requested of the condition of those in the different cities of our provinces have not yet been furnished, we have decided to suspend, by a separate article, the application of our present edict to the guilds of the provincial cities until we shall have taken the necessary measures to provide for the discharge of their debts.

We regret that we are forced to except, for the present, from the liberty we are giving to all kinds of business and industry, the guilds of barbers, wig-makers, and bath-keepers, which institutions differ from other bodies of the same kind, in that the masterships of these callings were created by virtue of offices, the revenue from which has been received in our casual revenue, with the privilege extended to the officials of retaining their ownership by the payment of one per cent. We are compelled to defer the emancipation of this kind of industry until we may make arrangements for the extinction of those offices, and we will do this as soon as the condition of our finances will permit.

Certain vocations are susceptible of abuse and affect the confidence of the public, or the general police of the state, or even the safety and life of men: these trades require a surveillance and special precaution on the part of the public authority. These vocations are pharmacy, gold-smithing, and printing. The rules to which these have been subject are parts of the general system of craft-guilds, and without doubt, in that respect, they ought to be revised; but the special features of that reform, the arrangements which it will be best to preserve or to change are objects so important as to demand careful examination and reflection. And while we reserve the right to make known later our intentions in the matter of the rules to be fixed for the practice of these trades, we believe that, for the present, they should not be changed from their existing state.

In assuring to business and industry entire liberty and the

full competition it should enjoy, we will take such measures as the preservation of public order may require, in order that those who follow the different crafts, arts and trades may be known and established, at the same time, under the protection and the discipline of the police.

To this end, the merchants and artisans, their names, residence and employment will be exactly recorded. They will be grouped, not on the basis of their vocations, but according to the quarter where they have their domicile. And the officials of the guilds abolished will be replaced advantageously by syndics established in each quarter or *arrondissement*, to guard public order, to report to the magistrates charged with the police, and to transmit their orders.

All the guilds have numerous law suits: all litigation which the corporations have among themselves will be quashed because of the reform of the exclusive rights they claimed. If, on the dissolution of corporations and guilds, it is found that some cases have been begun and prosecuted in their name which present objects of permanent interest, we will provide that these be carried to a final judgment, for the preservation of whatever rights pertain thereunto.

We will provide further that that class of suits at law, which are frequently raised between artisans and those who employ them, concerning the perfection or the price of labor, may be ended by whatever means are most simple and least costly.

For these causes, etc., etc.,

Article. I It shall be free to all persons, of whatever quality and condition they may be, even all foreigners who may not yet have obtained letters of naturalization from us, to embrace and to exercise in all our kingdom, and especially in our good city of Paris, such kind of business and such profession of arts and trades as may seem good to them, even combining many: to this end we have abolished and suppressed, we will to abolish and suppress all corporations and guilds of merchants and artisans, as well as masterships and craft-guilds. We abrogate

all privileges, statutes and regulations given to the said corporations and guilds, by reason of which none of our subjects may be annoyed in the prosecution of his business and his trade, for any cause or under any pretext whatsoever.

Article II. And it will be required, nevertheless, that all those who desire to pursue the said profession or business shall make preliminary declaration before the Lieutenant-General of Police, which will be inscribed in a record provided for that purpose, and will contain their names, surnames and domiciles, the kind of trade or business they purpose to undertake, and in case of change of residence or of business, or of retiring from business or labor, the said merchants or artisans will be required in like manner to make their declaration to the said recorder, free from all expense, on penalty against those who pursue their callings without having made the said declaration, of seizure and confiscation of their articles and merchandises, and a fine of 50 livres.

We exempt, however, from that obligation the present masters of corporations and guilds, who will not be required to make the said declarations except in case of change of domicile, of business, of new combination of trades, or retirement from business and labor.

We exempt further those who are now, or who may wish to become, wholesale merchants, our intention being not to subject such to any rules or formalities to which wholesale dealers have not been subject hitherto.

Article III. The declaration and inscription in the police records, ordained in the preceding article, concerns only those merchants and artisans who labor for their own account and sell to the public. With regard to the common laborers, who are not answerable directly to the public, but to entrepreneurs or masters, for whose account they work, the said entrepreneurs or masters will be required, on every requisition, to submit to the Lieutenant-General of Police a statement containing the name, domicile and kind of work of each of them.

Article IV. We do not intend, further, to include in the dispositions effected by articles I. and II. the vocations of pharmacy, gold smithing, printing and book-selling, with regard to which there will be no innovation until we may enact for their control whatever pertains thereunto.

Article V. We exempt in like manner from the provisions of the said articles I. and II. of the present edict the guilds of master *barbiers-perruquiers-étuvistes* in the places where their business is exercised until otherwise ordained by us.

Article VI. We will that the present masters of the guilds of butchers, bakers and others whose trade has to do with the daily subsistence of our subjects may not abandon their business within one year after the declaration which they will be required to make before the Lieutenant-General of Police that they intend to withdraw from their business and trade, on penalty of 500 livres fine, and heavier punishment if it befall.

Article VII. Merchants and artisans who are obliged to keep a record of the names of those persons from whom they buy certain commodities, such as silver-smiths, haberdashers, second-hand dealers and others, will be required to abide faithfully by those records, and to submit them to the officials of police on the first requisition.

Article VIII. Any drugs, the use of which may be dangerous, shall not be sold except by apothecaries or by merchants who shall obtain special written permission from the Lieutenant-General of Police, and besides, shall be required to inscribe in a record, signed by the Lieutenant-General of Police, the names, rank and residence of the persons to whom they may wish to sell them, under penalty of 1000 livres fine, even of extraordinary prosecution, according to the requirements of the case.

Article IX. Such arts and trades as may occasion in their operation dangers or exceptional inconvenience, either to the public or to private individuals, will continue to be subject to police regulations, made or to be made, in order to preclude those dangers and inconveniences.

Article X. *Arrondissements* will be formed in the different quarters of the cities of our kingdom, and especially in our good city of Paris, in each of which a syndic and two assistants will be appointed by the Lieutenant-General of Police, for the first year only, and after the registration and then upon the execution of the present edict; afterwards, the said syndics and assistants shall be chosen annually by ballot by the merchants and artisans of the said *arrondissement*, in an assembly held for that purpose in the house of and in the presence of a commissioner appointed by the Lieutenant-General of Police; which commissioner shall draw up an official report free of expense; then the said syndics and assistants shall take oath before the Lieutenant-General of Police, to exercise supervision over the traders and artisans of their *arrondissement* without distinction of condition or business, to report to the said Lieutenant-General of Police, to receive and to transmit his orders, and those who are appointed syndics and assistants may not refuse to discharge the functions appointed them, nor by reason of the same may they demand or receive from the said merchants or artisans any sum, either as a present, by virtue of their honors, or as an exaction: we expressly forbid this on penalty of the law on malversation of public moneys.

Article XI. Law suits which arise because of bad workmanship or defects in finished goods will be brought before the Lord Lieutenant-General of Police, to whom we delegate exclusive jurisdiction, in order that, on the agreement of experts commissioned for that purpose by him, immediate judgment may be had, without cost, and in final resort, except in case the demand for indemnity exceeds the sum of 100 livres; in which case the matter will be tried in the ordinary form.

Article XII. In like manner there will be brought before the Lord Lieutenant-General of Police, for immediate judgment, without cost and in last resort, up to the amount of 100 livres, the law suits which may arise over the execution of engagements of time, apprentice contracts and agreements

made by the masters and the laborers working for them, relative to that labor; and in case the sum at issue exceeds the value of 100 livres, they will be tried in the ordinary form.

Article XIII. We expressly forbid wardens or officials in charge of corporations or guilds to make hereafter any visits, inspections, seizures; to institute any action in the name of the said guilds; to convoke, or to assist to convoke any assembly under any pretext whatever, even under the pretext of acts of fraternities, which custom we abolish; and in general, to discharge any function in the capacity of wardens, and especially to demand or to receive any sum from members of their guilds, under any pretext whatever, on penalty of the law respecting malversation of public moneys, excepting, however, such sums as may be due to us for the taxes of the members of the said corporations and guilds, and the collection of these sums, both for the current year and what remains to be collected for preceding years, shall be made and continued in the usual form until payment is complete.

Article XIV. We forbid in like manner all masters, journeymen, laborers and apprentices of the said corporations and guilds to form any association or assembly among themselves under any pretext whatever. Wherefore, we have abolished and suppressed, do abolish and suppress, all fraternities which may have been established either by the masters of corporations and guilds or by journeymen and laborers in the arts and trades, even though set up by the statutes of the said corporations and guilds or by all other private claims, or even by letters patent from us or our predecessors.

Article XV. With regard to the chapels erected on account of the said fraternities, endowments of the same and property included in the endowments; we will that provision for their employment be made by the bishops of the dioceses, in whatever manner they may deem most useful as well as to acquit the endowments; and letters patent will be drawn up, addressed to our court of parlement, in accordance with the decrees of the bishops.

Article XVI. The edict of the month of November, 1563, establishing consular jurisdiction in our good city of Paris, and the declaration of March 18, 1728, will be executed, as to the election of Consular Magistrates, in all that is not contrary to the present edict. Wherefore, we will that the presiding Consular Magistrates of the said city may be required to summon and assemble, three days before the expiration of their year, merchants to the number of sixty, citizens of the said city, provided that not more than five from each of the three guilds not suppressed may be summoned, apothecaries, gold-smiths and printer-booksellers, and not more than twenty-five appointed from among those who follow the vocations and business of dry goods, groceries, haberdashery, furs, hosiery, and wine selling, whether they conduct these trades singly or combine with them other branches of trade or of arts and commerce, amongst whom will be admitted by preference the wardens, syndics and assistants of the three guilds not suppressed and also those who are exercising, or who may exercise the functions of syndics or assistants of merchants or artisans in the various *arrondissements* of the said city; and with regard to those whom it may be necessary to add in order to fill out the number of sixty, they may be summoned up to the number of twenty by the said magistrates and consuls, from merchants and business men or other prominent *bourgeois* who are versed in business affairs; these sixty, together with the five Consular Magistrates presiding, and no others, thirty-two of them choosing, shall proceed, in the form and according to the provisions decreed by the said edict and the said declaration, to elect new magistrates and consuls; these shall take the oath of office in the great hall of our parlement in the accustomed manner.

Article XVII. All law suits now pending, in whatever court, between the said corporations and guilds, arising out of their claims or privileges or any other pretense whatever, shall be terminated by virtue of the present edict.

We forbid all *gardes-jurés* who have power of attorney, and all other agents whatever of the said corporations and guilds, to take any action by reason of the said suits, on pain of nullity and of answering in their person and private name for all costs which may be incurred. And with regard to suits resulting from seizures of chattels and merchandises, or whatever may have been given in place of them, we will that they in like manner be and remain terminated, and that the said chattels and merchandises be returned to those from whom they were seized, by virtue of a plain receipt which they shall give to the persons who happen to be in charge of the goods or acting as depositaries; reserving the provision for costs incurred until the day appointed for payment shall be set by the Lieutenant-General of Police, whom we appoint to this end, at which time the restitutions, damages, interests and costs which may be due to private individuals shall be taken from the sums belonging to the said guilds, if they are sufficient to cover the said amounts; if they are not, other provision will be made by us.

Article XVIII. With regard to the law suits of the said corporations and guilds which involve landed property, sites, payments on arrears of profits and other objects of like nature, we reserve to ourselves the right to provide the means of securing prompt investigation and trial by the courts where they are now on the docket.

Article XIX. We will that, within the space of three months, all wardens, syndics, and magistrates, both those who are now presiding and those who are about to relinquish their offices, as well as those who have not yet made their reports of their administration, be required to submit them, namely, in our good city of Paris, to the Lieutenant-General of Police, and in the provinces to commissioners whom we shall appoint for that purpose, in order that writs and revisions may be executed in the ordinary form, and constraints issued for the payment of the balance as shall be enacted by us, in order that all sums arising may be used to discharge the debts of the said guilds.

Article XX. To the end of providing for the payment of the debts of the said guilds of the city of Paris and for securing the claims of their creditors, there will be placed, without delay, in the hands of the Lieutenant General of Police, schedules of the said debts, of payments made, of what remains to be paid, of means on hand for their payment, both fixed real estate and property and chattels and accounts which may happen to belong to them. All those who claim to be creditors of the said guilds will be required in like manner, within three months from the day of publication of the present edict, to submit to the Lieutenant-General of Police the titles of their credits, or certified copies of the same, in order that provision for their payment may be assured in whatever sums may belong to them.

Article XXI. The product of duties imposed by the kings, our predecessors, on different materials and merchandises, the collection and control of which have been granted to some of the corporations and guilds of the city of Paris, as well as the profits which have been assigned to them through the purchase of offices created at various times, and which have been included in the list of charges upon our finances, will continue to be exclusively devoted to the payment of arrears and to the payment of the capital of the loans made by the said guilds. We will that any sum in excess, arising from these products, above what will be necessary to discharge the arrears, as well as the entire saving resulting either from the diminution in the cost of collection or from the extinction of the expenses of the guilds which were taken out of these products, or from the diminution of interest charges because of successive reimbursements, be used as a sinking fund for the entire extinction of the capital of the said loans; and to this end a particular bank will be designated by us, under the inspection of the Lieutenant-General of Police, into which will be turned annually the amount of the said profits as the product of the said administrations, to be used only for the payment of arrearages and the repayment of capital.

Article XXII. Proceedings will be brought before the Lieutenant General of Police for the sale of the land and other real estate as well as of the chattels of the said corporations and guilds, the product of which shall be used in the discharge of their debts, as has been enacted by article XX. herein. And in case the product of the said sale exceeds, for any corporation or guild, the amount of its debts, both to us and to private individuals, the said excess shall be divided in equal portions among the present masters of the said corporation or guild.

Article XXIII. With regard to the debts of corporations or guilds established in our provincial cities, we enact that, in the said space of three months, those who claim to be creditors of the said corporations or guilds be required to put into the hands of our Lieutenant-General of Police the titles of their said credits, or summarized schedules of the same, in order that the amount of the said debts may be determined by us and provision be made for their payment; and until we have taken the necessary measures to accomplish that end, we suspend in our provincial cities the suppression ordained by the present edict.

Article XXIV. We have made void and do make void by the present edict, all edicts, declarations, letters-patent, writs, statutes and regulations contrary to this present edict.

So given and commanded, etc., etc.

EDICT OF THE KING

ENACTING THE SUPPRESSION OF THE EXCHANGE OF POISSY, AND THE CONVERSION AND MODIFICATION OF DUTIES. (GIVEN AT VERSAILLES IN FEBRUARY, 1776, REGISTERED BY PARLEMENT ON THE 9TH OF FEBRUARY, 1776)

LOUIS, etc. It not infrequently happens, in the necessities of the State, that it is sought to adorn the taxes, which must needs be imposed, by some pretext of public utility. That subterfuge, to which the kings our predecessors sometimes believed it necessary to descend, has rendered the taxes, the birth of which it marked, more onerous. One of its results was that the taxes endured long after the need which had been their real cause, by reason of the apparent utility by which they were disguised, or that they were renewed under the same pretext, which favored various private interests.

Thus in January, 1690, to sustain the war begun in the preceding year, sixty offices of *jurés-vendeurs* of cattle were created, to which was granted one sou per livre of the value of the cattle consumed in Paris, on condition that they pay foreign merchants the cash for the animals they brought in: this appeared likely to encourage the trade and to procure abundance by preventing the delays to which the drovers were exposed so long as they dealt directly with the butchers.

The first trial gave rise to innumerable complaints on the part of both foreign merchants and the butchers, who represented that the creation of *jurés-vendeurs* of cattle was a grievous burden on their trade instead of an advantage to it; that there was no need of any intermediary between the men who

supplied the animals and those who retailed to the public; that Paris had been provisioned before without any one appointed to advance payments to the vendors of animals; and that the tax of one sou per livre necessarily raised the price of meat and lessened the demand. These representations were regarded; and, by a declaration of March 11th of the same year, the king, Louis XIV., "wishing," said he, "to treat with consideration the said foreign merchants and the butchers of the said city of Paris, and to procure an abundance of cattle for it," suppressed the sixty offices of *jurés-vendeurs*. However, at the end of seventeen years, in 1707, in the course of an unfortunate war, after having exhausted all other resources, recourse was again had to the arguments which produced the edict of 1690: it was alleged that certain individuals were exacting from the butchers usurious charges, and one hundred offices of Treasury-Counsellors of the Bourse of the markets of Sceaux and of Poissy were created, with the view of having a bureau in daily oversight of the market, to advance to foreign merchants the price of the animals sold by them to butchers and other solvent merchants; and these officials were authorized to collect one sou per livre of the value of all animals sold, even of those for which they had not advanced the price. This institution, so strongly suggestive of the times of calamity, was suppressed again when peace was assured.

The trade in cattle, freed from fees and kindred shackles, recovered its natural course and continued for thirty years without interruption. During that period Paris was abundantly provisioned, and the raising of cattle flourished in many of our provinces.

But the expenses of a new war urged the government, at the end of 1743, to make use of the same financial resource which was supported by the same pretext. It was supposed to be necessary to lower the price of animals by putting the foreign merchants in position to supply the greatest possible number. It was held that the most plausible means of accomplishing

this was to pay them in cash, and that this advantage would not be too dear at a deduction of one sou per livre. But although that deduction was established for all sales of animals, the bank was exempted, as in 1707, from advancing the price to those who sold to butchers not of recognized solvency; the period of credit to others was limited to two weeks. These rules restricted the usefulness of the bank, practically, to collecting a fee of one sou per livre.

That fee was farmed: it has continued from that time to be a part of the revenue of the State. One-fourth sou per livre was added by the edict of 1747, and continued in force by lettres-patent of March 16, 1755, and of March 3, 1767.

In bringing these edicts and letters-patent to our attention, we have been unable to escape the conviction that their provisions were directly opposed to the effects it was hoped and promised would be accomplished by them.

The duty of six per cent., which raised the price of each animal more than *fifteen livres*, did not fail to raise the price of meat instead of lowering it, and to cut down the profits of the breeders who raised and fattened the stock; it discouraged that industry and annihilated the abundance, not only of meat in the shops, but still more of the herds which the pastures might have supported, had there been adequate profit in raising the greatest possible number.

On the other hand, if it seems advantageous that the majority of the foreign merchants should receive in cash the price of the cattle brought in by them, it is no less contrary to every principle of justice that the wealthy butchers who are able to pay their bills in cash for themselves, should, notwithstanding that, be compelled to pay interest on an advance they do not need; and that the butchers who happen to be in less easy circumstances and to whom credit is refused on the ground that they are not regarded as unquestionably solvent, be also compelled to pay the interest on an advance which is not made for them at all.

The edict which created the exchange fixed fifteen days as the limit of time for the butchers to acquit themselves of their obligations to the bank of Poissy, and gave to the farmers of that exchange the right of corporal constraint in the third week; the result is that the effective advance of amounts loaned is never equal to one-twelfth of the amount of the sales; it should be much less than that, inasmuch as the bankers, having the right to refuse credit to butchers of questionable solvency, are far from making advances for all the sales.

Nevertheless, the interest has to be paid just as if the whole amount of the sale had been advanced, and in like manner if the sale is made on the first day of the year, interest must be paid as if it was for the full year. The tax that is paid ought, then, to be regarded less as the price of advances made to butchers as a genuine tax on cattle and on butcher's meat.

We would desire that the condition of our finances permitted us to sacrifice entirely that branch of revenue; but since that is impossible, and we cannot tolerate it in its present form, we have preferred to replace it by an increase of duty collected on entry into Paris, both on live animals and on meat destined for consumption. The simplicity of that method of collection, which involves no new expense, places us in position to relieve our subjects, at the present time, from about two-thirds of the burden laid on them to provide the fees of the Exchange of Poissy.

Besides, we are convinced that the greatest advantage our subjects will derive from the change will result from the greater freedom which the suppression of the Exchange of Poissy will bring to the trade in cattle. It is from that liberty, from the competition it will beget, and the encouragement it will give to production, that there may be attained the re-establishment of abundance of herds and moderation in the price of so large a part of the subsistence of our subjects.

For these causes, etc., we have, by the present edict, enacted and ordained as follows:

Article I. We will that, beginning from the first day of Lent of the present year, the fee of one sou per livre of the value of animals designed for the provisionment of Paris, established by edict of 1744, and the additional one-fourth sou per livre of the said fee, established by the edict of September, 1747, both continued by letters-patent of March 16, 1755, and March 3, 1767, and collected by virtue of the same at the markets of Sceaux and Poissy, be and remain suppressed.

Article II. In order to make good in part the diminution which will be effected in our revenues by the suppression of fees enacted by the preceding article, in the future, there will be collected, beginning from the first day of Lent next following, at the gates and entries of our good city of Paris, in addition to, and in increase of, the duties which are now established, the extra fees herein announced:

	Livres.	Sous.	Deniers.
For each bullock	5	1	1
" " cow	3	10	
" " calf		11	10⅘
" " sheep		6	
" " pound of dressed beef, veal and mutton			5 16/25

Article III. The supplemental duties established by the preceding article being entirely destined to replace that part of our revenue, which came from the duty of one sou per livre and the one-fourth sou per livre of the same, established on the sale of animals in the markets of Sceaux and Poissy, and which we have suppressed by the preceding article; the said supplemental duties cannot be subject to, nor give place to, any duty of first or second twentieths, old or new sous per livre, fees of officials, gratuitous gift, fee of service, and sous per livre of the same in favor of the General Hospital of the city of Paris, of any *titulaires* of offices, of any administration, or of the highest bidder of our *fermes*.

Article IV. The duty on each pound of veal will be lowered to a total of six and sixteen twenty-fifths deniers, and reduced

to the same basis as that per pound of beef, veal or mutton, reserving the right of indemnity to whatever amount may pertain thereto.

Article V. We have suppressed, and in like manner do suppress, beginning from the same day, the Caisse or Bourse of the markets of Sceaux and Poissy, established and prorogued by the edicts and declarations of 1743, 1755, and 1767; we cancel the former lease to Bouchinet and his sureties; and we release him from the engagements under it, reserving to ourselves to provide whatever indemnity the highest bidder of our *fermes-générales* may claim because of the one-fourth sou per livre included in his lease.

Article VI. We authorize the said Bouchinet and his sureties to recover, within the accustomed period, the sums they may happen to have advanced before the said first day of Lent: we will that they cease to make new advances, and we confirm them in the right of prosecution and privilege which they have enjoyed heretofore for the recovery of their funds.

Article VII. We permit butchers and foreign merchants who bring in animals to them, to make among themselves such agreements as they judge fit, and to stipulate such credit as shall seem good to them.

Article VIII. We permit, also, among those who have managed for us the said Caisse or Bourse of Poissy, and to all others of our subjects, to loan, on conditions which shall be mutually and voluntarily accepted, their money to butchers who believe they have need of it in the conduct of their business.

Thus do we give and command, etc.

LETTERS-PATENT

OF FEBRUARY 6, 1776, ENACTING A CHANGE AND MODIFICATION OF TAXES ON SUET. (REGISTERED MARCH 12 AT A BED OF JUSTICE)

LOUIS, etc. Having rendered an account in our Council of the different police regulations, decisions and writs interfering in the matter of trade in suet in our good city of Paris, and also of the taxes of different nature which are collected on that commodity, and of the form of their collection, we have discovered that the imaginary precautions, taken during a period of two centuries, to procure the abundance and cheapness of a substance so essential to meet the needs of our people, have had necessarily effects directly opposite to what was intended; that, by the old rules of 1567 and 1577, maintained by later decisions, and particularly by a writ of August 19, 1758, no permission was granted either to the butchers who collect and render the suet to handle it themselves and to sell it freely, or to the chandlers who made use of it, to supply themselves with whatever quantity they deemed necessary for their work; that the suet had to be set out for sale on fixed days, and divided among the master chandlers, who could pay only a uniform price on penalty of fine; that what it became necessary to import in order to supply what was lacking in our kingdom, was subject to the same rules and a like division, and that as a result, no private individual could be permitted to speculate in this useful branch of trade; that the whole guild of chandlers could not do so, even if they were free, because of the heavy duties laid upon the importation of that material, until they had persuaded the late king, our very

honored lord and grandfather, to moderate them by the writ of his Council of November 28, 1768. We have been unable to discover in that police, so contrary to all the principles of trade, anything other than a consequent abuse resulting from the vicious constitution of corporations and guilds which we are determined to suppress. Our purpose being that for the future the business of butcher and chandler, as well as all others, shall be freely followed, the method of exposing for public sale and division among the master chandlers can no longer continue; and, the taxes to which it has been subject being no longer suffered to be collected in the manner hitherto followed, it is necessary to substitute a method simpler and more advantageous to the people. Wherefore, we have provided this by a writ issued this day in our Council, in our presence, and we have ordained that for its execution all necessary letters shall be drawn up. For these causes, etc., We have decreed as follows:

Article I. Trade in suet shall be free for the future in our good city of Paris, and the obligation of exposing it for sale for division among the chandlers, shall remain abrogated, beginning from the publication of the writ of this date and these presents, notwithstanding all decisions of police and writs in confirmation of the same, which we will to be regarded as null and void; wherefore, all butchers shall be free to sell, as well as all chandlers to purchase the said commodity, in such times or places, and in such quantity as shall seem good to them.

Article II. The tax of a sou per pound levied on the sale of suet in the interior of Paris, shall be suppressed and shall cease to be collected beginning from the same day.

Article III. In order to supply the amount of the said tax, it will be replaced by a tax on the animals which produce the suet, in proportion to the average quantity taken from them; which tax, moderate in itself, will be collected only at the entries and barriers of Paris, at the rate of 2 livres 12 sous 2 2/5 deniers per bullock, 1 livre 5 sous 5 1/5 deniers per cow, and 5 sous 2 deniers per head of mutton.

Article IV. The said tax of entrance established by the preceding Article shall not be subject to any additional fees in favor of the city of Paris, of the General Hospital, or of our Farmers-General, since the tax is only by way of replacement and the tax which it replaces was not subject to any additional fees.

Article V. The main tax of one hundred sous per quintal, on the entrance of foreign suet into Paris, will be reduced to 1 livre 10 sous 9 3/5 deniers, so that, with the fees of domain, *barrage*, *poids-le-roi*, and sou per livre of the same, which amounts to 11 sous 2 2/5 deniers, it will make the sum of 2 livres 10 sous per quintal, or 6 deniers per pound of suet or of tallow.

Article VI. All additional taxes of first and second twentieths, 4 sous per livre of the first twentieth, *gare*, gratuity, twentieth of gratuity, and 8 sous per livre of the same, established on the entry of foreign suet, shall be and remain suppressed, we reserving, if it so happen, the right to make whatever indemnity may pertain thereto.

Article VII. The taxes established by articles III. and V. herein shall be administered and collected by the contractor (*adjudicataire*) of our *fermes-générales*, for our account; therefore, the managers for us who are in charge, under the name of *ouache*, of the recovery of the combined taxes will be absolved from making any account, as well of the product of taxes on the sale of suet in the interior of Paris, as of that which is secured from the suburbs, and also of the principal tax *d'entrée* on foreign suet; and this is in effect from the day the *adjudicataire* of our taxes shall begin to administer the taxes established by way of replacement.

Article VIII. We abrogate all ordinances, writs, and regulations contrary to the provisions of the preceding articles.

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ERRATA.

P. 17, l. 6 from bottom. Before "wrung" insert "were."
P. 17, l. 5 from bottom. For "of" read "for."
P. 91, line 8 from bottom. For "le Barry" read "le Berry."

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